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HONOLULU, H. T., FRIDAY, NOVEMBER 20 1903—SEMI-WEEKLY.

WHOLE No. 2588.

UNITED STATES JUDGE DOLE BEGINS WORK WITH GOOD WISHES OF THE BAR

Lawyers and Laity As- semble to Do Honor to Hawaii's First Citi- zen on His Return to the Bench.

The assumption of office by Sanford B. Dole, the retiring Governor, as Judge of the United States Court was given as much simplicity as possible on the part of the principal figure, but nothing could diminish the impressiveness naturally accruing to the event nor detract from a public interest that was spontaneous.

Within the courtroom were assembled in dense multitude the rich and the poor, whose rights Judge Dole was about to swear he would equally protect. Amidst American citizens of various races and color tones were mingled Asiatic and other aliens from all ends of earth. There were present successors of Judge Dole in the Territorial Judiciary and colleagues and ministers of his in the various government regimes he had conducted for high eleven years. Many of the leading business men of the community and a large contingent of both houses of the Legislature went to swell the throng forming an impenetrable mass throughout the entire standing room.

The hall itself was vibrant of historical associations. Sovereigns of Hawaii came there in great pomp to open and close the Legislature. It was the principal courtroom of the Supreme Court under the monarchy, as it later became that of the first United States tribunal ever erected in Hawaii.

Besides a large representation of the Federal and Territorial bar there were present: Acting Governor Carter, Mrs. S. B. Dole, Mrs. W. F. Frear, Attorney General and Mrs. Andrews, Mr. and Mrs. A. G. Hawes, Jr., Mr. and Mrs. E. J. Walker, former Ministers S. M. Damon and L. A. Thurston, former Justice W. A. Whiting, former Attorney General E. P. Dole, former Superintendent of Public Works J. A. McCandless, Senator L. L. McCandless, the Circuit Judges and a large number of business men. Seats were reserved for the ladies to the right of the bench, with one chair vacant and draped in mourning for the widow of Judge Estee. To the left the grand jurors occupied the jury box. A splendid bouquet decorated the bench desk.

The report of the proceedings here following is official, from the hands of Court Stenographer J. D. Avery, up to the close of Judge Hartwell's address and to that extent of especial interest and the first record of the Federal court under the presidency of Judge Dole.

INITIAL PROCEEDINGS.

In the United States District Court in and for the Territory of Hawaii, October term, Hon. Sanford B. Dole, Judge.

In the matter of the Inauguration of Judge Sanford B. Dole.

Honolulu, H. T., Nov. 18, 1903.
Be it remembered that on this eighteenth day of November, A. D. 1903, at ten o'clock a. m. of said day, Honorable Sanford Ballard Dole, having taken and subscribed to the oath of office as required by law and Chief Justice Frear of the Supreme Court of Hawaii after administering said oath, having subscribed his name thereto in the Courtroom of the United States District Court for the Territory of Hawaii, and said Honorable Sanford B. Dole having thereby qualified as Judge of said Court, the following proceedings were had:

The Court: Open Court, Mr. Marshal, U. S. Marshal, E. R. Hendry: Hear ye, hear ye, all persons having business with the Honorable District Court of the United States for the Territory of Hawaii will now draw near, give your attention and you will be heard.

JUDGE DOLE'S REMARKS.

The Court: I wish to say a few words to the gentlemen of the bar on this occasion of my assuming office in this Court. I wish to say that I anticipate a great deal of satisfaction in the work of this Court with your assistance and that our relations will be most pleasant, and I sincerely hope that we may be enabled to work together for the ends for which courts are established which are mainly to protect society and the promotion of justice between man and man.

BAR ASSOCIATION GREETING.

Mr. W. O. Smith: As President of the Bar Association of the Territory of Hawaii, it becomes my pleasant duty to welcome you to the bench of this

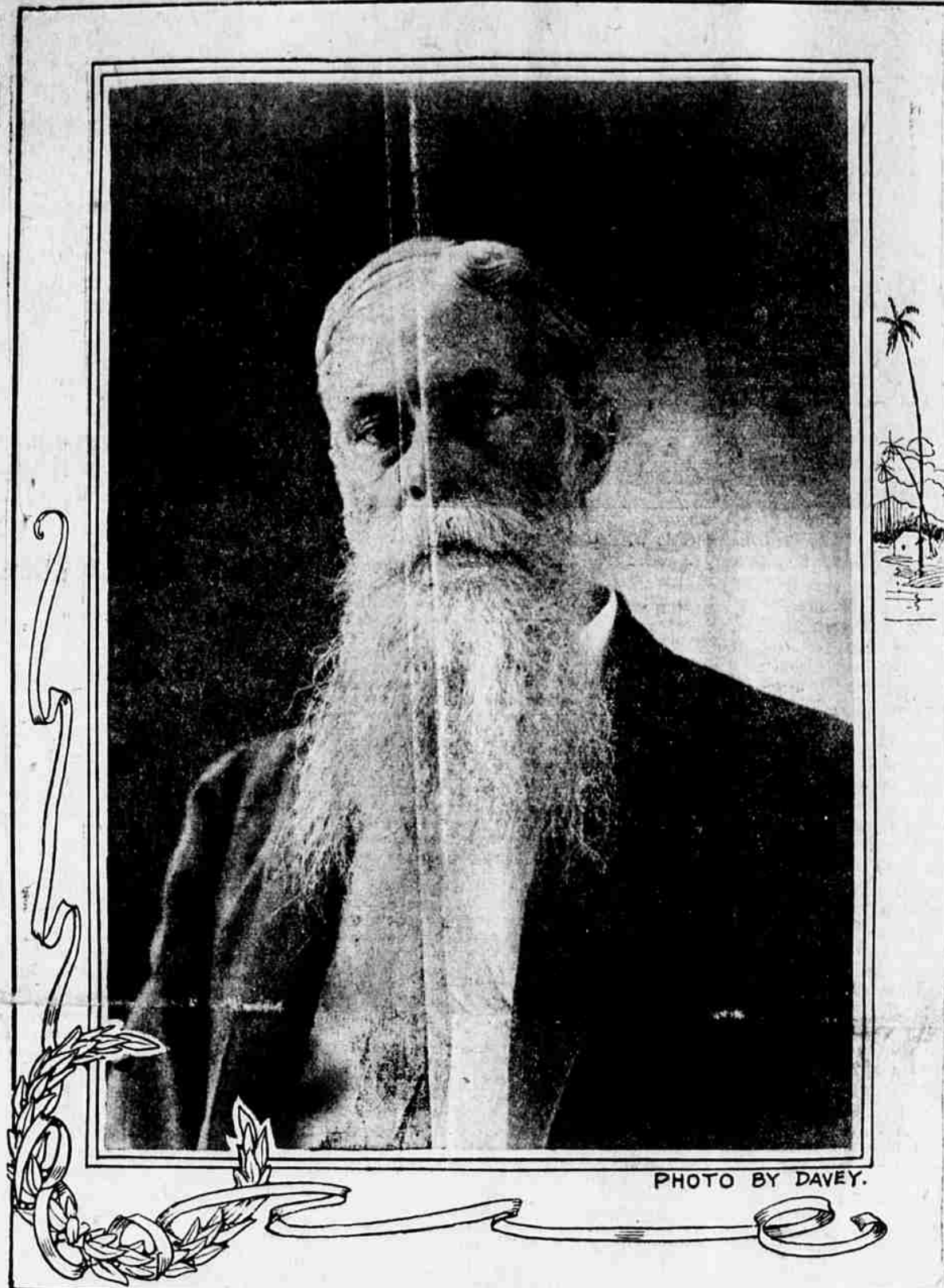


PHOTO BY DAVEY.

UNITED STATES JUDGE DOLE.

KEPOIKAI DENIES THAT HE HAD PROMISED TO RESIGN

At one o'clock this morning Treasurer Kepoikai sent to the Advertiser the following copy of a letter written to Hon. George R. Carter in response to the latter's final communication of yesterday accusing Kepoikai of breaking faith in the matter of his resignation:

Territory of Hawaii,
Treasurer's Office,
Honolulu, November 18, 1903.
Hon. George R. Carter, Acting Governor of the Territory, Honolulu.
Sir:—Your second letter of this date is before me, wherein, in responding to my letter of declination to resign the office of Treasurer of the Territory, you intimate that I have broken faith with you, and have broken my positive promise to you, in so declining to resign.

You are entirely in error in your statement that I at any time, much less on two occasions, made the statement to you "that it was my intention to withdraw and leave you free to select such heads of Departments as would work with you, and in whom you could repose every confidence."

Let me recall to your memory just what occurred upon the only occasion when the topic of resignations was discussed between us. I was then the first to inform you that Mr. Cooper had resigned his office as Superintendent of Public Works, and I stated to you that Mr. Cooper had remarked to me that his reason for so resigning was to "give you a free hand." Upon asking you what was meant by that phrase, you remarked that you expected the resignations of all the heads of Departments. I replied to that suggestion as follows: "Well, if such is the practice, my resignation will be ready at the proper time."

Immediately thereafter I spoke with Governor Dole on the subject, who assured me that I was under no obligation to resign, as my official tenure was

fixed by law, and he did not know what was the practice usually pursued in regard to resignations under such circumstances.

Upon further inquiry and study on my part, I am convinced that it has never been, and is not now, the practice in the United States for officials who hold their offices by a definite legal tenure, to resign those offices upon a change in the personnel of their superiors, or even of the Chief Executive of the Union, or of a State.

Let me cite a few instances in support of this contention. When President Johnston undertook to oust Mr. Stanton from the position of Secretary of War, in 1867, his act was alleged as a basis for his impeachment, which soon followed.

In 1887, when Governor Washington Bartlett, of California, died, and was succeeded by Lt. Gov. Markham, there was no suggestion of resignations from any of the appointees of Governor Bartlett, other than his personal staff. And such has been and is the current of practice and precedent in America, in such cases.

I respectfully invite you to cite a single case wherein an executive State or Territorial officer has resigned the office held by him, to which he was appointed for a fixed period, and from which he could not be removed save with the concurrent action of the Chief Executive and some co-ordinate authority, upon the mere request of the successor of the official by whom he was appointed.

While admitting the practice of resignations being usually tendered by Cabinet officers, and others of like confidential relations to the Executive, upon a change in the executive office, yet this practice has never extended beyond the circle of officials holding at the pleasure of the executive, which I understand to be now the law in relation to resign, as my official tenure was

A POLICEMAN'S LIFE IS TAKEN

Arrests a Chinese Chicken Thief and Is Murdered in Cold Blood.

A Chinese chicken thief murdered a police officer in cold blood just off Liliha street at a few minutes before eleven o'clock last night within sight of dozens of people. While he was being captured, Charles Clark, Jr., a son of the well-known Charley Clark, was accidentally shot in the elbow. Two young sons of Capt. Robert Parker jumped into the melee and secured the murderer, who later gave his name as Ho Young.

The police patrol wagon, with officers, was on the scene of the shooting within a few minutes. The murderer, his face badly battered, was immediately taken to the police station and locked up. The body of the murdered policeman was also taken there and laid out on the floor of the jail.

The murderer, a small, wiry fellow, presented a horrible sight when he was dragged up to the clerk's desk. His clothes were covered with mud and blood and stolen eggs had broken in his pockets. His face was a mass of blood, so much so in fact that he could hardly see. As he was lined up an officer passed to the clerk one of the chickens that he had stolen. Ho Young was quickly put in a cell.

The dead policeman is J. W. Mahelona, a native, who has been on the force but a comparatively short time. He was a Custom House Guard during the time of the Republic.

The murder took place in a big open lot bounded by wooden houses which face on Liliha street and near what will be Kukui street, when the latter is extended. This open lot is quite large and last night was covered with mud.

CLARK, JR.'S STATEMENT

An Advertiser reporter visited Charley Clark, Jr., at the Queen's hospital after midnight and got the following statement concerning the murder:

"I was just going to my father's place in Buckler's lane. I got off the Liliha street car and took a short cut to our home. When I got as far as our gate a Chinaman came running out of it straight at me. I got scared and ran back to Liliha street. I met Apapa, the Chinese special policeman, and asked him where a regular policeman was. He said down the street and I ran and found Mahelona and told of the man. He came back with me and we found the Chinaman in some bushes back of Liliha street. The policeman said 'Here, you,' and told him to come out. It was very dark. The policeman had his revolver out. The Chinaman kept saying 'all right' but did not come out and the policeman went in and dragged him out. He had eggs in his pockets and two chickens in his bag. We took him out on the street and started for the police call box. I met the Parker boys and told them that I thought a man had tried to do me up. When we got near the alarm box the Chinaman said he had more chickens back there in a bag. He said he would show them to the policeman. We told the policeman to search the Chinaman but he did not do so and when we got in back of a building off Liliha street it was muddy. The Chinaman said 'a little farther on.' We stopped there and the Chinaman took the policeman down in back of buildings about thirty yards away. Soon we heard a shot. I heard Mahelona groaning and I ran to him. He was struggling with the Chinaman. I jumped in and put my arms around the Chinaman. I grabbed the hand which held a revolver and while I was struggling with him Mahelona fell down on the ground and commenced shooting at the Chinaman. I had my arms around the Chinaman and one of Mahelona's shots struck me in the elbow. I had to let go that arm but kept hold of the Chinaman's other hand. I kept calling for the Parker boys to my assistance. The policeman fired four shots and was then quiet. The Parker boys ran in and we overpowered the Chinaman. A lot of people came around and we searched the Chinaman but could not find his gun. Then they sent for the police and I went to the hospital."

where Dr. McDonald held an autopsy.

Policemen put Ho Young in a cab and hurried him to the police station. He was a horrible sight, with his face bruised, and blood streaming down it. One officer carried the chicken that Ho Young had stolen. The man was marched into the police station and searched but nothing was found on his person except broken eggs in his pockets. The police recognized him as a chicken thief who has several times been caught by Deputy Sheriff Chillingworth and Detective Kaapa. The murderer was taken to a cell, his clothes stripped from him, and men went to work to wash the blood off his person. They found his face badly battered and discovered that a shot had made a slight flesh wound in his back. He was given clean blankets to sleep in but his clothes were taken away from him as it was feared he might attempt to commit suicide. An officer was also told off to watch his cell during the night. Ho Young vigorously denied that he had fired the shot which killed the policeman and declared he did not know how the latter met his death.

THE POLICEMAN'S BODY

Mahelona's body was brought into the courtyard of the jail. It was found that a shot had entered just below the left side of his jaw, tearing its way up through the neck and burying itself somewhere in the head.

One of the murderers' hands has at some time been crushed off so that he is unable to work with more than one hand and he did the shooting with that. Although the revolver belonging to the policeman was found immediately after the shooting the murderer's weapon was not found. Young Clarke says that when he got hold of the murderer's hand he felt a revolver and that this must have been thrown away by the Chinaman during the scuffle. When Clarke received his wound he had to release the hold of one of his hands and in doing so the Chinaman nearly got away but despite the continued shooting by the dying policeman he made a brave struggle to prevent the murderer's escape. As the Chinaman wrenched himself loose he seized his cue and held on to this until the Parker boys came to the rescue.

Although Clark was taken to the hospital it was found about one o'clock this morning that he would be able to leave it and return to his home as he had only received a slight wound.

High Sheriff Brown and Deputy Sheriff Chillingworth visited the scene of the murder. With a number of men they searched through the muddy lot but were unable to locate the missing revolver. At the time of the shooting the place where it occurred was probably the darkest in Honolulu. The policeman who accompanied the thief had to feel his way, as he could not see. Under a near-by house the police found two sacks that had been used by Ho Young in his depredations on the fowlyards of the vicinity. It is thought the revolver will be found as soon as daylight comes and men are waiting there to secure it as it will be an important piece of evidence.

DIED WHERE HE FELL

Mahelona fell in a pool of his own blood. He was dead when the patrol wagon, which had been rushed to the scene, reached it. His body was placed in the wagon and taken to the police station and later sent to the morgue.

(Continued on page 4.)

KEPOIKAI WON'T RESIGN

His Correspondence
With Secretary
Carter.

Acting Governor Carter, on coming to the responsibility of that position yesterday, was disappointed in his expectation, expressed on Tuesday evening of receiving the resignation of Treasurer Kepoikai. The correspondence printed below exhibits the present situation—one that has the genuine hue of an old-time cabinet crisis.

In the meantime Mr. Carter is acting up to his declaration that he would do nothing which was not absolutely necessary pending the arrival of his commission as Governor.

Yesterday afternoon the Acting Governor informed Clarence M. White, Chief Clerk, that he would not assume administration of the Department of Public Works, in its ordinary details, for the present. Business other than clerical routine would await the appointment of a head to the department. Mr. White is therefore in charge of whatever business may be transacted in the meantime.

The letters that passed between Messrs. Carter and Kepoikai yesterday were as follows:

CARTER TO KEPOIKAI.

"Hon. A. N. Kepoikai, Treasurer of the Territory.

"Dear Sir:—As you are aware Governor Dole has taken his oath as Federal Judge, and thereby his resignation as Governor becomes effective.

"I have not yet, and do not now ask you to resign, but before I accept the responsibility as Acting Governor it is necessary for you to take some definite action. Further delay on your part will not only cripple my Administration (which is a small matter), but will seriously hamper and delay the machinery of the government in many of its departments and greatly inconvenience the public, for all of which I must decline to be responsible.

"Sincerely yours,
"GEORGE R. CARTER."

KEPOIKAI TO CARTER.

"Hon. George R. Carter, Acting Governor, Territory of Hawaii.

"Sir:—Yours of this date marked 'personal' is received, wherein you reminded me that Governor Dole, having entered upon his judicial duties, his resignation as Governor has become effective—you meaning thereby to convey the impression that you have succeeded to the Executive chair, de facto.

"You assert that you have not yet, and do not now ask me to resign my office as Treasurer of the Territory—but assure me that 'it is necessary for me to take some definite action,' presumably in reference to such resignation—before your acceptance of 'the responsibility as Acting Governor, of directing the policy of the government,' etc., also that 'further delay on my part will not only cripple the Administration, but will seriously hamper and delay the machinery of the government in many of its departments and greatly inconvenience the public, for all of which you must decline to be responsible.'

"Responding to the above, I do not recognize the 'necessity' of my 'taking any definite action' in the premises, and I must respectfully dissent from the proposition that my resignation or failure to resign, my office, can in any logical or reasonable sense cripple, or delay, or hamper the machinery of the government in any of its departments, or that such action or non-action on my part would or could greatly or at all inconvenience the public; and I note your entire failure to specify any of the particulars wherein such results or any of them could reasonably be expected to follow either my adhering to or resigning my present office.

"Let me remind you that I hold my office under a definite tenure of four years from the date of my appointment—that I have been confirmed by the Hawaiian Senate, and commissioned in due form of law—under the provisions of the Organic Act.

"There is no suggestion in any of your intercourse with me, that I have been guilty of any official impropriety or incompetence. Wherefore I fail to recognize either the necessity or the propriety of renouncing my office, which is one of honor, as well as of emolument, and one which any citizen of Hawaii may take a just pride in holding; and, in the discharge of the duties whereof, I am conscious of having committed neither violations of the law, nor deviations from official discretion or courtesy.

"In view of these, and other considerations, too numerous to be here even epitomized, I am constrained to inform you that I have resolved to remain in my present office, under the terms of my appointment and commission thereto. Very respectfully yours,

"A. N. KEPOIKAI,
"Treasurer, Territory of Hawaii."

CARTER'S FINAL NOTE.

"A. N. Kepoikai, Esq., Honolulu.

"Dear Sir:—I have received your letter in response to my note of this morning, and I am exceedingly sorry that you have failed to prove a man of your word. I had every reason to expect from so prominent an Hawaiian, and one who had such a high standing upon the statement, repeated twice to me, that it was your intention to withdraw and leave me free to select such heads of departments as would work with me and in whom I could repose every confidence. Such confidence is now out of the question.

"Sincerely yours,
"GEORGE R. CARTER."

INSPECTORS' PAY RAISED

Will Receive \$100
a Month From
Dec. 1.

The order of business for yesterday's meeting of the Board of Health was largely of a routine nature. After the set items had been disposed of, Mr. Robinson asked if it was expected the members should resign their commissions to the new Territorial administration.

Dr. Cooper replied with a negative opinion, saying he understood the act was only desired of heads of departments. His own resignation was handed in two weeks ago, as that of the head of the department and a salaried official. Members holding honorary commissions he thought had no occasion for resigning.

Those present were: Dr. C. B. Cooper, president; Fred C. Smith, Dr. W. H. Mays, Mark P. Robinson, E. C. Winston and Attorney General Andrews, members; Dr. J. S. B. Pratt, chief health officer; C. Charlock, secretary, and Miss Mae Weir, stenographer.

John Cassidy's bid of \$5000 to construct the Molokai telephone line was formally accepted, and the contract awarded to the bidder by the president last week confirmed.

LAHAINA REGULATIONS.

Letters from Dr. Molony, government physician, and L. M. Vetlesen, sanitary inspector, discussing the proposed sanitary regulations for Lahaina, were read.

Dr. Cooper stated the difficulties in the way of prescribing drainage of tenements near the beach into the sea. Unless the owners united in constructing a common sewer he did not know how it could be done. It was a hard matter to handle.

Dr. Pratt explained his idea in making the recommendation on which the proposed regulation was based. This was to have a pipe run down to the beach with lateral drains from houses connected therewith.

Dr. Cooper spoke of the difficulty of ordering a compulsory sewerage system for Lahaina, until the Legislature should see fit to make provision for a general system.

Other of the regulations were considered, such as those relating to the sale of fish and disposal of garbage. The draft and communications were finally on motion of Mr. Andrews, referred to a committee consisting of the medical members.

RAISE OF SALARIES.

The sanitary inspectors of Honolulu had their pay raised at the suggestion of the president.

Dr. Cooper, after the sanitary reports for October had been read, brought up the matter. He said one of the fourteen inspectors had resigned and another gone to the Coast, leaving twelve which, he said in answer to a question, were sufficient to cover the city. The inspectors had been receiving \$85 a month, a poor living for a family, and he recommended that their pay be increased to \$100 a month from the first of December.

Mr. Robinson said an inspector had complained to him that morning of not having received his due pro rata of salary the past month, and stated that he represented other inspectors in making complaint.

Dr. Cooper remarked that any inspector who was dissatisfied had only to return his badge. There were plenty of good men waiting to take the place.

On motion of Mr. Winston, seconded by Mr. Smith, the salaries of inspectors were raised to \$100 a month after November.

The secretary reported that there would be a surplus of \$38 in the inspection fund under the six months' appropriation. Mr. Winston moved, seconded by Mr. Smith, and it was carried, that the president divide the surplus money among the inspectors.

REPORTS.

Reports were read from the food commissioner, the chief health officer, the sanitary inspectors, the plumbing inspector and the sanitary inspectors of Lahaina and Hilo.

Two letters were received from Dr. L. E. Cofer, chief quarantine officer, reporting health conditions in the Orient. The latest showed as follows: Yokohama, two weeks to Oct. 24.—Plague cases, 3; deaths, 4; doubtful plague cases, 3; deaths, 1.

Kobe, two weeks to October 28.—Clean.

Hongkong, two weeks to October 20.—Plague cases, 4; deaths, 4.

Nagasaki, two weeks to October 26.—Cholera cases, 40; deaths, 22. Remarks: 18 cholera, 22 suspected.

Shanghai, two weeks to October 17.—Cholera cases, 2; deaths, 9.

NEW DISPENSARY.

Dr. Mays asked for information regarding the projected new dispensary.

Dr. Cooper answered that they were in a period of transition, not knowing where they were "at." Plans and bids were in hand and he did not think there would be any difficulty after a new head was appointed to the Public Works department. A morgue as well as a dispensary was planned, and he considered a morgue the more pressing necessity of the two.

CHILDREN LIKE TO TAKE IT.

The finest quality of granulated loaf sugar is used in the manufacture of Chamberlain's Cough Remedy, and the roots used in its preparation give it a flavor similar to maple syrup, making it quite pleasant to take. Children like to take it and it has no injurious effect. It always cures. For sale by all dealers and druggists. Benson, Smith & Co., Ltd., Agents for Hawaii.

COL. WM. H. CORNWELL DIES AT WAIKAPU RANCH



THE LATE COL. W. H. CORNWELL.

Death came suddenly and unexpectedly to Col. William H. Cornwell at 6:20 o'clock yesterday morning at his home at Waikapu, Maui. Before even his illness was known in Honolulu a wireless telegram arrived announcing the death of Mr. Cornwell to his relatives in this city. The telegram gave heart disease as the cause of death, although friends in Honolulu always believed Col. Cornwell to be a sufferer from acute dyspepsia. Death came very suddenly, Mr. Cornwell being ill little more than an hour. His wife and son were at his death bed.

MR. CORNWELL'S LIFE.

William H. Cornwell was born in Brooklyn, New York, sixty-one years ago. He came to Honolulu when a boy of fifteen years of age, having received his early education in New York.

The deceased was the son of the late Henry Cornwell. The elder Cornwell came to Hawaii with his two sons in the latter fifties. His brother-in-law, James Louzada, was already here and it was at his request that the Cornwells came to the islands. Louzada owned the large ranch interests in Waimea, Hawaii, better known as the Puuloa Sheep Ranch, adjoining the Parker ranch. This ranch was later purchased by Col. Macfarlane from W. L. Greene and Frank Spencer who bought it from Louzada. After this sale the elder Cornwell, in partnership with Louzada, started the Waikapu sugar plantation on Maui, which probably was the first plantation on that island. Cornwell and Louzada were very successful, much of their success being due to the late Colonel Cornwell, who for many years was employed as manager of the property. This plantation was followed very shortly by the Haiku, Mahee, and Campbell plantations, native labor at that time being obtainable at six dollars per month, while sugar sold in San Francisco at ten to twelve cents per pound.

In 1876 Col. Cornwell, with Col. G. W. Macfarlane, purchased the plantation, the elder Cornwell at that time retiring from business. With the plantation Cornwell and Macfarlane also acquired an immense tract of 12,000 acres known as the Great Waikapu Commons, which Claus Spreckels afterwards purchased from the partners, and with the Waikapu Commons started the big Spreckels plantation. To develop the property Spreckels had to acquire large water rights from King Kalakaua and in doing so he started the first trouble between the King and his cabinet, ending in Kalakaua dismissing his ministers, who opposed the grant, a prerogative the King then had.

Col. Cornwell was a close adherent of the Spreckels, and was well liked by Claus Spreckels, who always entertained Col. Cornwell upon his visits to San Francisco. John D. Spreckels and Samuel Parker were always said to be Cornwell's most intimate friends.

Later Cornwell sold his interest in the Waikapu plantation to the Hawaiian Commercial and Sugar Co., while Macfarlane retained his share, thus causing the famous million dollar lawsuit. After the sale of his share in the plantation, Cornwell leased a large tract of land at Kula, Maui, from King Kalakaua and began the raising of stock on an extensive scale, a business he managed most successfully up to the time of his death.

HIS FRIENDSHIP FOR KALAKAUA.

Col. Cornwell early formed a friendship for Kalakaua which endured until the latter's death, and many stories are told of the regal entertainments that the two gave each other, the King entertaining Cornwell in Honolulu and Cornwell giving grand affairs for the King at Waikapu. In 1886 Cornwell was appointed a member of the King's staff and during the revolution of the following year he entered politics and remained a staunch supporter of Kalakaua and later of Liliuokalani. In 1890 he was elected a member of the House of Nobles for a four-year term and in the years that followed took an active part in the events which led up to the deposing of the Queen and the formation of the Provisional Government.

On Nov. 1, 1892, the Queen named a new cabinet and sent in Cornwell's name as Minister of Finance. This Cabinet lasted but long enough to be voted out of existence by the Legislature on that same day. On January 13, 1903, he became a member of the Parker Cabinet, the one which later surrendered to the new provisional government on the seventeenth of January, four days after it had been formed.

CORNWELL A DEMOCRAT.

Although a staunch supporter of the Queen, Cornwell accepted the conditions which came with the annexation of the islands to the United States. He then became a Democrat and attended the National Democratic Convention of 1900 as a delegate from Hawaii. Later he became national committeeman for Hawaii, and during the last legislative campaign at the request of Col. Blackburn of Kentucky, he made an effort to unite the Democrats and Home Rule parties in Hawaii.

In 1870 Col. Cornwell was married to Miss Blanche Macfarlane. Three children survive of that union, Mrs. J. S. Walker and Mrs. A. A. Braymer of Honolulu and W. H. Cornwell, Jr., of Maui. His wife died about fifteen years ago and last December Mr. Cornwell was married to Mrs. Josephine Colvin in Honolulu. She was with him at the time of his death.

Mr. Cornwell was a great lover of horse flesh. For a number of years he was president of the Hawaiian Jockey Club and one of its charter members. He imported and bred many harness and running horses, among them being "May D.", "Hawcock," "Nisa," "Garfield," "W. W. Wood," "Lord Brock," "Venus," "Gartland," the flying "Ahuimanu," and many others. His racing colors were well known as the silver gray and cardinal maltese cross. At his Sacramento River ranch in California he kept a good stable.

THE FUNERAL.

The funeral arrangements have not been definitely made. The body will be brought to Honolulu in the Mauna Loa Friday. The funeral will probably be under the auspices of the Hawaiian Lodge No. 21, F. & A. M., of which Mr. Cornwell was a member. The services may be held Saturday or Sunday.

The deceased counted hundreds in Hawaii as personal friends. Of a genial, pleasant disposition he made friends easily and kept them always. He will be greatly missed both by Hawaiians as well as the American residents of the islands.

CHILLINGWORTH BARRED OUT

Deputy Sheriff Chillingworth finds himself barred out of his own office at the police station. The place was invaded yesterday by carpenters and a handsome railing and counter has been installed which cuts the office in half.

Clerk Harry Moesman retains his old section of the office at the Ewa end, while Deputy Sheriff Chillingworth's desk reposes in the section nearest the door. However, as the change was made according to the direction of High Sheriff Brown and himself, the arrangement is satisfactory all around.

Heretofore there was little or no privacy in the Deputy Sheriff's office. His own desk, the clerk's desk and the cabinet containing the police archives were exposed to the inspection of anybody who entered the office. Court papers, secret files, memorandums and other documents were practically at the mercy of everybody's eyes.

In future no one but the elect may go behind the rail. A sign labelled "Enter at Your Peril," with crossed police clubs beneath it will be posted up over the counter gate.

The British bark Queen Margaret departed for Sydney yesterday afternoon after experiencing some difficulty in securing a crew.

STARVE THEM OUT!

Why not starve the germs to death? Scott's Emulsion will do it.

The germs of consumption are an invading army numbering millions upon millions; they must all be fed or they will soon die of starvation. A lung a little below "par" in vitality is just to their liking.

Why not put new life into it? Scott's Emulsion feeds the lungs. It fills the blood with nourishing food for all the weak parts. Good food means life. Life means resistive force.

Germs cannot live on healthy tissue. Scott's Emulsion and good fresh air drive out the germs of consumption.

We'll send you a sample free upon request.
SCOTT & BOWNE, 409 Pearl Street, New York.

A LODGING HOUSE CASE

Attack on License
System is
Made.

C. C. Bittling made an attack on the lodging house license regulation in Judge Gear's court yesterday. It was in argument on his motion to quash the indictment of Frank Luceviko for misdemeanor in conducting a lodging house without a license. Counsel for the defendant contended that it was unconstitutional to restrict a legitimate business, not in itself one over which police control is recognized as necessary such as saloons or gambling places, by license regulations. He spoke about "fifty cents a day" inspectors of the Board of Health as declining, for mere spite, to grant the certificate for defendant's lodging house which is required to be furnished before the Treasurer of the Territory will issue a license to such a place. The argument continues this morning. E. C. Peters, Deputy Attorney General, represents the Territory.

IN THREE COURTS.

The trial of Siu Sau for assault and battery, before Judge Gear, resulted in a mistrial being entered on account of hopeless disagreement of the jury.

The trial of E. M. Jones for murder was set for Monday next, the court denying the motion to have the trial begin yesterday.

Judge Robinson entered judgment by default against defendant in the suit of A. G. Correa vs. A. A. de Mattos, appeal of defendant from Honolulu District Court's judgment for \$181.32 and costs in favor of plaintiff. J. M. Vivas appeared for plaintiff.

Manuel D. Silveira vs. L. Ahlo is still on trial before Judge De Bolt, and Kapolani Estate vs. Faria before Judge Robinson.

DISPOSAL OF SUITS.

C. B. Menesi vs. Jack Kalaiwahe, defendant's appeal from District Court judgment of \$61.25 for plaintiff, was continued till next term by Judge De Bolt. H. Hogan appeared for defendant.

F. E. Thompson vs. Ah Ping & Co. was continued for the term owing to the absence of parties. It is an appeal from judgment of \$186.09 for plaintiff by District Magistrate Dickey.

Ishinoshu Tukushima vs. Morihiro was continued for the term, being an action for \$2000 damages for malicious prosecution. E. M. Watson appeared for defendant.

C. Shiozawa vs. Kamalo Sugar Co., assumpsit for \$580, and Kapolani Estate, Ltd. vs. Manuel Gomes, a covenant suit for \$1000 damages, were continued for the term.

Leong Yick Co. vs. New Zealand Insurance Co., and Gow Chong and Ida E. Lamb vs. Royal Insurance Co., were discontinued.

ESTATES OF MINORS.

Lucy H. McWayne, guardian of her four minor children, has filed an inventory showing the trust to consist of \$1500 divided between them equally, being a legacy under the will of the late S. C. Allen. Annie R. Jaeger, guardian of her minor son, has filed a similar inventory showing a legacy of \$375 under the will of the same testator.

Hatuturo Miyamoto, guardian of Hatuturo Miyamoto, a minor, has filed an inventory showing the sum of \$190, a legacy received under the will of George E. Boardman, less \$10 inheritance tax.

Kepoikai is surrounded by men who want to use him to cripple the Carter administration. They care nothing for him except as he may pull their chestnuts out of the fire. By and by when his fingers are burned he will get no sympathy.

MRS. TURK HITS BACK

Alleges Extreme Cruelty
and Failure to
Provide.

Estrella L. Turk has filed an answer and cross libel to the divorce suit of Frank J. Turk. She corrects his allegation of the date of their marriage from the 14th of October, 1896, to the 12th of that month.

Admitting that she has had no marital relations with the libellant since some time prior to June 1, 1903, she gives a reason therefor in cruel and brutal treatment suffered at his hands. She denies unlawful relations with the person named in the libel as co-respondent.

In her cross libel, wherein she prays for divorce against him, Mrs. Turk alleges that since their marriage Frank J. Turk, her husband, has neglected and refused to provide suitable maintenance for his wife, although of sufficient ability so to provide, and still neglects and refuses to perform that duty. Then she says:

"That on various times and occasions, and particularly at the time when, as hereinbefore stated, she was compelled to deny marital relations to her said husband, the libellant herein, he was guilty of extreme cruelty to her, the libellee; that he beat and pounded her with his fists, even going so far as to choke her into insensibility; that he has often threatened her with a revolver, threatened to take her life, and that his whole conduct, since almost immediately after their marriage, has been that of extreme cruelty toward her."

SANITATION IN OCTOBER

Dr. Pratt Tells of Work
Done by Inspectors
and Himself.

Dr. J. S. B. Pratt, chief health officer, made the following report to the president of the Board of Health, on city sanitation for October:

Acting under your instructions I took charge of the sanitary inspectors after the departure of City Sanitary Officer Tracy. In this work I have been assisted by J. F. Visser. In the report given, his work and mine are given together.

Four cesspools were located. A Chinaman was prosecuted in the District Court for peddling stale fish. He was fined \$3.00 and costs.

The number of inspections made were 1200.

Seven restaurant licenses were issued, seven lodging house licenses and two hotel licenses. The number of persons that can be lawfully lodged in the buildings are 639.

There were forty-eight burials and five disinterments. In making the burials, thirteen old graves were opened. The average depth of the graves, from which bodies were disinterred, was five feet.

The number of days special work of the inspectors was 14½.

The usual morning meeting for reports from the inspectors and the giving of instructions to them has been carried on the same as when the City Sanitary Officer was here.

A few changes have been made from the manner in which City Sanitary Officer Tracy carried on the work, but all these changes have been made with a view to increase the efficiency of the inspectors, and also to have a better control over the work which they are doing.

JAPAN ON THE HONOLULU YACHT

By the way, I see there is a challenge from Honolulu to the yachtsmen of Japan, but I do not see how anything can come of it.

Let Honolulu come here, if it wants; this is the senior yacht club, by many years.

It would be a foolish game for a tourist resort like this to go to a lot of trouble for the object of "boosting" a rival tourist place.

It is a simple-minded game, too, to take up a challenge on the condition that the one competitor must tell the other the design of his boat, and show his hand entirely.

It is also contrary to the interests of genuine yachting to go in so much for extreme types of racing machines. I do not think it likely that the Honolulu offer will find any takers here.—Japan Gazette.

The death of Colonel Wm. H. Cornwell was an unexpected shock, the public having no knowledge of his illness. Though a comparatively young man Colonel Cornwell belonged to the old regime in Hawaii, which gave to the islands such a fine flavor of good fellowship and hospitality. Few men had more personal friends. With his death breaks one more link between the old times and the new.

PART OF COUNTY ACT IS MADE NULL AND VOID

The Supreme Court Expunges the Proposed Board of Public Institutions.

The Board of Public Institutions created by the County Act is no more. Yesterday afternoon the Supreme Court rendered a unanimous decision making the County Act, so far as it relates to the Board of Public Institutions, null and void.

Superintendent Henry E. Cooper, it happens, has officially lived just long enough to enjoy one evening's triumph over the Legislature's attempt to deprive the Superintendent of Public Works of the greater part of the functions that the Organic Act prescribed he should exercise. The case now decided arose from the resistance of Mr. Cooper to the authority of the Board of Public Institutions.

Judge Gear decided that the Board of Public Institutions was an illegal body in that its members were not appointed as such by the Governor, the Organic Act placing the appointment of all boards of a public character among the duties the Governor should perform. He touched upon other points raised, but found it unnecessary to decide the one attacking the validity of the entire statute—namely, that the bill had not passed the three readings in each house of the Legislature which the Organic Act requires.

The Supreme Court finds the County Act to be illegal, so far as it relates in title and text to the Board of Public Institutions, because, contrary to the Organic Act, it embraces more than one subject. It not only provides for "the organization and government of counties and districts," but for "the management and control of public works and public institutions therein"—that is, in the counties and districts.

While mentioning the several lines of attack on the Board of Public Institutions which Mr. Cooper's counsel took in resisting the writ of mandamus, the Supreme Court contents itself with deciding the main issue raised in the petition for the writ. As the Circuit Judge had done, it leaves the validity of the County Act as a whole an open question. There is nobody or nothing in the world more steadfast than courts of justice in observing the principle of not crossing a bridge before it is reached.

This was a test case, so far as it went, for which the outcome has been eagerly awaited by the people of the Territory, who have just participated in the first elections under the County Act. Therefore the decision of the Supreme Court in full is here presented to the readers of the Gazette:

COUNTY ACT CASE DECISION IN FULL

In the Supreme Court of the Territory of Hawaii, October term, 1903.

In the matter of the application of Sanford B. Dole, Governor, George R. Carter, Secretary, A. N. Keopikahi, Treasurer, J. H. Fisher, Auditor, A. T. Atkinson, Superintendent of Public Instruction, and Lorrin Andrews, Attorney General, as the Board of Public Institutions of the Territory, for a Writ of Mandamus against Henry E. Cooper, as Superintendent of Public Works of the Territory.

Appeal from Circuit Judge, First Circuit.

Submitted November 6, 1903.

Decided November 17, 1903.

FEAR, C. J., GALBRAITH AND PERRY, JJ.

An act entitled "An Act providing for the organization and government of counties and districts, and the management and control of public works and institutions therein," is invalid as to so much thereof as purports to create a Territorial Board of Public Institutions and to transfer to it matters theretofore belonging to the Territorial Superintendent of Public Works, and with which the counties were to have nothing to do,—in view of Sec. 45 of the Organic Act, which provides "that each law shall embrace but one subject, which shall be expressed in its title."

OPINION OF THE COURT BY FEAR, C. J.

This is an appeal from an order denying a writ of mandamus to compel the respondent to deliver to the petitioners the control of all matters relative to harbors, wharves, piers, and towage, and of all property used in connection therewith, and the control and management of the executive and judiciary buildings at Honolulu, as required in terms by Sections 484 and 485 of Act 31 of the Laws of 1903, commonly known as the County Act.

Chapter 64 (Secs. 380-391) of that Act purports to create a Board of Public Institutions consisting of the Governor, Secretary, Treasurer, Auditor, Supt. of Public Instruction, and the Attorney General of the Territory and to prescribe its powers and duties. It purports to transfer to it many powers and duties which have hitherto belonged to the Superintendent of Public Works. The defense is that this chapter is null and void because it conflicts with the Organic Act and more particularly with (1) Sec. 80 which provides that the Governor shall appoint with the advice and consent of the Senate, certain officers and boards and "any other board of a public character that may be created by law," in that it creates a board of a public character not appointed by the Governor at all as to two of its members (the Governor and Secretary, who are appointed by the President) nor appointed by him as members of the board as to any of the members, although all except the Governor and Secretary are appointed by him to their other respective offices; (2) Sec. 45, which provides "that each law shall embrace but one subject, which shall be expressed in its title"; (3) Sec. 75 which provides that there shall be a Superintendent of Public Works with powers and duties over certain specified matters, though subject to modification by the Legislature, in that it takes from such Superintendent a substantial part of such

powers and duties; and (4) Sec. 45, which provides, among other things, that, except under certain circumstances, a bill, in order to become a law, shall pass three readings in each house and that the final passage shall be by ayes and noes entered on the journal. In that, as contended, the House journal shows merely that the report of the conference committee was adopted by the House in the manner mentioned and does not show that the bill passed third reading in that body. In sustaining the order appealed from we base our opinion upon the second of these grounds, and express no opinion upon the others.

It is true that the provision of the Organic Act "that each law shall embrace but one subject, which shall be expressed in its title," should be liberally construed, and that an act of the Legislature should not be held void on the ground that it conflicts with this provision, except in a clear case. It is sufficient if the various parts of an act have a natural connection, are fairly well embraced in one subject, though somewhat general, and expressed in the title. See *In re Walker*, 9 Haw. 171; *Carter County v. Sinton*, 120 U. S. 517.

But is this the case with the Act in question? Its title is "An Act Providing for the Organization and Government of Counties and Districts, and the Management and Control of Public Works and Public Institutions therein." We presume this title is objectionable from the mere fact that it is in two clauses, each of which in form sets forth a separate subject. The mere form is of little consequence. Much room must be left for the exercise of legislative discretion. In the wording of the title. It is unquestionable that to the first clause of the title in question there is added the second in so far as county works and institutions are provided for in the Act, and doubtless these might be provided for incidentally under the first clause if the second were omitted. How far provisions relating to Territorial as distinguished from County matters could properly be included in the title is a question which they could not very well be separated or as declaratory provisions in order to make clear the precise line of separation, we need not say. In this instance the Legislature did not attempt to do anything of that kind. It attempted to create a distinctively Territorial board of public institutions and to transfer to it from distinctively Territorial officers matters in respect of which the counties were clearly to have nothing to do and in respect of some of which they in the very nature of the case would have nothing to do. It acted as if the title were "An Act providing (1) for the organization and government of counties and districts and (2) the management and control of Territorial works and institutions." This was clearly inconsistent with the provision of the Organic Act above quoted. Accordingly we must hold that such portions of the County Act as were designed to create a Territorial board of public institutions and to transfer to it duties and powers theretofore belonging to the Superintendent of Public Works is invalid, namely, Chapter 64 of Act 31 of the Laws of 1903, and Sections 484 and 485 and any other portions of said Act necessarily dependent thereon.

The order or decree appealed from is affirmed.

Attorney General L. Andrews for petitioners.
Kinney, McClanahan & Cooper and S. H. Derby for respondent.

DEATH OF MRS. HIRAM BINGHAM AFTER AN ILLNESS OF TEN YEARS



THE LATE MRS. BINGHAM AND HER HUSBAND, THE REV. HIRAM BINGHAM.

After an illness that had lasted for ten years, one contracted through the hardships of early missionary work among the natives of Micronesia, Mrs. Minerva Clarissa Bingham, wife of the Rev. Hiram Bingham, died at the family home in Alexander street last evening.

Mrs. Bingham had been a sufferer for ten years from paralysis agitans. Every care has been taken of her during that time, but she had been gradually failing in health until last May she fell a victim to the dengue fever. Since then she has been confined to her bed.

Mrs. Bingham was well known as a woman of high character and lofty ideals. Throughout the small islands that dot the seas of Micronesia she is known to the natives as a friend and helper. Had she lived until next October she would have been seventy years old. She was born at Northampton, Mass., on October 19, 1834, and received her education there. It was in Massachusetts that she met the then young Hiram Bingham, son of one of the earliest Hawaiian missionaries, who was in the East receiving an education preparatory to leading a life of religious activity in the South Pacific. Her marriage to Mr. Bingham was solemnized on Nov. 18, 1856, only nine days after he had been ordained a minister. The young couple immediately made preparations for their trip to Hawaii and a couple of weeks after the marriage were on board the brig "Morning Star," the first missionary vessel of that name, starting on a long homeward voyage around Cape Horn to Hawaii and the islands of Micronesia. They reached Honolulu on April 24th of the following year and within a few months were at Ponape, where an assembly of missionaries decided that the young couple should take up their labors at Apiang. They commenced their work at the latter point on Nov. 18, 1857, and the hardships they had to endure there for many years, living on the food of the South Seas and in quarters very unlike a comfortable New England home, undermined the health of Mrs. Bingham and also of the Rev. Mr. Bingham.

Nearly half a century ago missionary life in Micronesia was a very strenuous undertaking. Sometime ago Mr. Bingham gave a brief account of some of the hardships incident to labors of himself and wife in Micronesia from the time that they settled at Apiang. One year's work, contending with climate, bad food and other evils, was enough to break down Mr. Bingham's health, and he returned to Boston, where he superintended the building of the second "Morning Star."

When that vessel was built, he went in command of her on another voyage to Micronesia until his health broke down again and he came to Honolulu. Here he remained for some time, returning to the Gilberts in 1868.

The Gilbert Islands when Mr. Bingham first went there was a very undesirable place. The inhabitants were warlike and jealous among the chiefs existed constant wars. Some chiefs under the influence of the missionaries began to enact laws against theft, murder and other crimes and were trying to establish somewhat permanent law and order. This state of affairs displeased rival chiefs and a great war threatened.

The king of Apiang, upon which island the missionary station was, joined forces with the king of another island and in withdrawing his men left the missionaries to the mercies of the attacking forces which swarmed over the island when the king and his men had left. These people were utter savages and during the several months of

their stay the lives of the missionaries were never safe. The savages swarmed about their houses and allowed themselves all kinds of liberties. Mr. Bingham, his wife, Mahoe, a native assistant, and his wife, were the only missionaries there and could do nothing.

One incident among the many which Mr. Bingham told may serve to show how fearful the uncertainty of their lives was to the little band of missionaries. One morning Mr. Bingham discovered a big, burly savage crawling through a claspboard which served as a window. As the fellow was evidently intent on stealing, Mr. Bingham scared him by letting down the claspboard with a bang by means of a string with which it was generally opened and shut. The noise so scared the savage that he took to his heels. His comrades, who stood near by, ridiculed him on seeing this, and this made the fellow very angry, and the natives are very sensitive to ridicule. He consequently went up to Mr. Bingham and pushed him with his shoulder. Mr. Bingham stood his ground for some time, the savage standing next to him and shoving him every now and then. Mrs. Bingham finally appeared and called the husband in to breakfast and Mr. Bingham gladly took the excuse for getting away. This did not end the incident. After breakfast, when Mr. Bingham went into the meeting-house where there was a large number of the savages assembled, the would-be thief rose from among them and followed behind him up to the room, where Mr. Bingham sat down in a chair. The native immediately squatted down on the floor in front of him, and producing two pistols, began pointing them at him, first one and then the other. Mr. Bingham thought that his last hour had come, but he remained calm, closed his eyes and prayed. The native did not fire, however, but kept on sitting there, lifting up the pistols and aiming every now and then. The rest of the natives fled out of the room gradually, leaving Mr. Bingham, the savage and the native assistant alone. For two hours they remained thus, Mr. Bingham expecting every moment to be his last, but finally the savage got tired and left the room without doing any harm.

Many other incidents are told of their life there. One of their children died and was buried at Apiang where they had built a cottage. Called away sometime afterward, Mr. and Mrs. Bingham left their home to the mercies of the natives. On their return they found the house torn down and turned into a proa or canoe and the bones of their little one scattered about the yard. Another son, Hiram Bingham Jr., survived the vicissitudes of early missionary life and is now an instructor of history at Harvard.

Mrs. Bingham left work in the Gilbert Islands that will endure for all time. She became thoroughly acquainted with the Gilbert tongue and translated a number of works into that language. She gave the Gilbertese a "Reading Book," "Old Testament Bible Stories," "Primary Geography," "Primary Arithmetic," and assisted Mr. Bingham in translating the whole of the New Testament into the same language.

Mrs. Bingham has been a well known member of Central Union church and also of the Women's Board of Missions of Central Union church and in recent years very many sympathetic messages have been sent to her by the Board regretting that her health did not permit her to attend the meetings.

In addition to her husband, her sister-in-law, Mrs. Lydia B. Coan, was present at the time she passed away last evening.

The funeral will be held from the Bingham home at three o'clock this afternoon and the interment will be in the old family lot of the Bingham in Kawaiahao Cemetery. The Rev. W. M. Kincaid will officiate.

H. H. Williams has charge of the funeral arrangements.

WILL DOFF THE TOGA AND DON THE ERMINE

Retiring Governor Dole to Take the Oath as Judge This Morning—Acting Governor Carter Hopes for Smooth Transition.

Sanford Ballard Dole, who has been the head of the government of Hawaii under three distinct forms since January 17, 1893, will, at 10 o'clock this morning, divest himself of the toga of statecraft and assume, for a second time in his career, the judicial ermine.

"I shall be sworn in, in the Federal courtroom, by Chief Justice Frear at ten o'clock in the morning," Mr. Dole replied to a question as to the program for his judicial installation, "and then open court and proceed to business."

"Yes, I shall probably make a few remarks to the bar—nothing formal. Then I shall appoint a committee to draft memorial resolutions in respect to the late Judge Estee."

Mr. Dole was asked if there was anything put forward about the Federal statute directing, on its face that in case of a vacancy in a district judgeship all proceedings then pending shall be continued to the next stated term of the court affected.

He answered that he had looked the matter up. "Everything goes over to the next term," he added, "but that does not prevent parties from presenting their cases. It will put it in the hands of parties themselves whether they will go to trial forthwith or not."

District Attorney Breckons, to whom the same inquiry was previously made, replied in his dry manner:

"There are some people who think they can run the United States Court without regard to the Judge and the District Attorney."

THE OATH.

Following is the form of oath that Judge Dole will take:

"I, Sanford B. Dole, do solemnly swear that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent on me as United States Judge in and for the District of Hawaii, according to the best of my abilities and understanding, agreeably to the Constitution and Laws of the United States; and that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

JUDGE DOLE'S COMMISSION.

The commission of Judge Dole turned up in a pasteboard tube amongst his mail yesterday morning. It is in the form that follows:

"THEODORE ROOSEVELT,

"President of the United States of America.

"To all who shall see these Presents, Greeting:

"Know ye that reposing special trust and confidence in the Wisdom, Uprightness and Learning of Sanford B. Dole, of Hawaii, I do appoint him to be United States District Judge of the Territory of Hawaii and do authorize and empower him to execute and fulfill the duties of that office according to the Constitution and Laws of the said United States, and to have and to hold the said office, with all the powers, privileges and emoluments to the same of right appertaining unto him, the said Sanford B. Dole, until the end of the next session of the Senate of the United States and no longer, subject to the provisions of Law.

"In witness whereof I have caused these letters to be made Patent and the seal of the Department of Justice to be hereunto affixed.

"Given under my hand at the City of Washington, the 31st day of October, in the year of our Lord one thousand nine hundred and three, and of the Independence of the United States of America the 128th.

"THEODORE ROOSEVELT.

"By the President,

"P. C. KNOX,

"Attorney General."

NO FAREWELL ADDRESS.

Governor Dole stated, in answer to an inquiry, that he would deliver no farewell address as Governor, either upon assuming the Judgeship or upon Governor Carter's inauguration.

"I think it is not necessary," was his laconic reason for disappointing the tingling ear.

OSTENTATION ESCHEWED.

Secretary Carter, who will be Acting Governor ex officio at the moment Governor Dole's resignation takes effect today, said, with reference to that stepping stone stage, when asked yesterday about probable changes this morning.

"Things will go along just the same. I will be in practically the same position as now. As Acting Governor I would only do what was absolutely necessary."

An allusion to what he had said the previous day about resignations elicited from Mr. Carter a remark to the effect that he had reason to expect that Treasurer Keopikahi would present his resignation this morning.

HAWAII AS SEEN FROM GREATER N. Y.

Mauna Loa, emulating Mont Pelee and Vesuvius, is waving aloft its flags of flame as if to remind us that we have in Hawaii an ideal all-the-year-round American health and pleasure resort. The climate is at all times delightful; hurricanes are as infrequent as snow squalls; the scenery is alternately picturesque and sublime; the flowers and fruits are perennial; the mountains offer game birds and beasts to the sportsmen, and all the discomforts of ordinary travel are prevented by the adoption of the most modern conveniences. This paradise of the Pacific is our own, and we should visit it, enjoy it and develop it. Many tourists who go to look at Hawaii remain for years, but there is room for half a million homes, and the Government offers easy terms. The natives are not like our negroes; their ancestors were hardy enough to row over from Polynesia and intelligent enough to build their ocean canoes and steer by the stars. Now five lines of palatial steamers keep Hawaii in touch with the rest of the world. The Oceanic Company is an American line, and any of its vessels can be transformed into an armed cruiser in thirty-six hours, so that aloft or ashore the visitor to happy Hawaii may be under the Flag.—New York Town Talk.

THE SUN'S SEASONS

LAPORTE, Ind., Nov. 9.—In a statement made today Alexander Young, a local astronomer, who has in the last year made several important discoveries concerning the condition and functions of the sun and has asserted the existence of life on that planet, announced his conclusions concerning the solar seasons.

Young has found that the sun is blessed with a climate of perennial summer, divided between seven months of vernal, or springlike, summer and five of deciduous, or autumnal, summer, marked by changes in the vast masses of forest foliage observed by him through the instrumentality of the solar scope which he has invented. At this time red and reddish-brown hues prevail, to be replaced in January by the living green of summer.

GENERAL MACARTHUR EN ROUTE TO HONOLULU

SAN FRANCISCO, Nov. 18.—General MacArthur, Col. Prowest, Mrs. S. B. Terry and Collector Stackable have sailed for Honolulu on the Korea.

Hawaiian Gazette.

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ISSUED TUESDAYS AND FRIDAYS.

WALTER G. SMITH, Editor.

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FRIDAY : : : NOVEMBER 20

SANFORD B. DOLE.

The retirement from executive office of Governor Dole after a term of nearly eleven years is an event which serves to especially recall the exigent duties which he has rendered at the head of the government of Hawaii. When, in 1892, the native monarchy was thrust out of the way of progress, it was ours to choose a man of conservative temper and staunch character and one who had the confidence of the whole people and could gain that of foreign governments, to take the lead in the annexation movement which followed the overthrow. The American party turned unanimously to Sanford B. Dole. He was a Justice of the Supreme Court and had always enlisted with reform political movements in the kingdom. Whatever the issue he had been found on the right side. Asked to become chief of a Provisional Government he took the matter into deliberation and then accepted the office of President.

From the quiet and peace of judicial chambers he was plunged at once into the strenuous life. Surrounded by armed men he carried on the functions of government partly as a civil and partly as a military chief, and he made no mistakes in working out a middle policy of sound administration. His earliest work was to seek annexation to America but the coming into the Presidency of Grover Cleveland not only balked his plans but put the government over which he presided into an attitude of defence against the misused powers of the government of the United States. To those of us who recall the inflexible stand of President Dole when a demand for the restoration of the monarchy came from Cleveland's envoy and the keen ability with which he addressed himself to the diplomatic interchange which followed, admiration for him as a statesman mingles with thankfulness that the American party here made so wise a choice of its political leader.

Having won his battle for independence, leaving scars upon the Cleveland administration which were never healed, President Dole addressed himself to questions of administrative reform. For almost the first time since the day of complete missionary ascendancy in Hawaii, the land had an honest and capable government. Its credit steadily rose; and despite military expenses, which could not be avoided, there was always a surplus in the treasury.

President Dole drew about him a cabinet of strong men—the ablest and most unimpeachable cabinet, in its complete personnel, which the islands had ever seen. With the help of these advisers, he managed difficult questions with consummate tact—and few new governments have ever had more perplexities to meet. There were enemies on every side. The American government was capacious and unfriendly. Japan began pressing for the suffrage so as to gain control of domestic administration and make Hawaii a trade dependency; at home the natives and a strong group of aliens were plotting against the State; and over it all was the fear that the reciprocity treaty might be attacked and overturned in Congress.

Meanwhile the Provisional Government was changed to a Republic. President Dole remained at the head of the new State. Prosperity grew apace but annexation seemed far off. At no time was the Federal Senate ready to accept a treaty, though more than one was proffered. Against Hawaii's ambition stood, with sullen obstructiveness, the Sugar Trust, which also conspired against reciprocity. The best Mr. Dole's envoys could do at Washington was to keep things in statu quo.

Then came the Wilcox revolt of 1895, an uprising which proved the strength of the Dole government and the military weakness of its adversaries.

Though vastly in a minority as to numbers throughout the group, the citizens of the Republic formed about President Dole in solid phalanx and were always masters of the crisis. Never for a moment did the President lose his poise. He knew what to do and did it in the right way; and when the rebels and their accomplices, with the former Queen at their head, were imprisoned, he let no impulse of revenge dusk the clear mirror of his humanity. Like Lincoln he tempered justice with mercy; and if he earned no gratitude for it from those whose forfeited necks he spared, he strengthened his cause at home and abroad, and in the contrast which his leniency afforded to the barbaric violence of the Queen, who had demanded heads as the prizes of her return to power, he marked the vital difference of the old order and the new in these emancipated islands. The world did not miss the contrasts nor fail to read the lesson aright.

The years that followed were hardly less strenuous than those which had gone before. If the era of revolution had passed, there was still the labor issue, the diplomatic pressure of the Japanese, the flood of "free" Asiatic immigration, the claims of the aliens imprisoned after the Wilcox eulogy, the cholera and a host of minor ills. Yet the great man at the head of affairs never lost his faith or his temper or his capacity to deal with emergencies. Opposing him and intriguing against him was the last United States Minister, ambitious himself to take the lead in Hawaii, but never for a moment did the President swerve from the straight line of duty to fight out a personal grievance. Whatever happened, the Hawaiian executive, imperturbable and serene, did what was best for the country, never considering himself, looking only to the greatest good for the land in which he was born and where his life-work lay.

War brought the hour of annexation and here again the sound judgment of the President asserted itself. Some of Mr. Dole's best friends and advisers, men devoted to the cause he had at heart, urged him to declare the republic neutral as between the United States and Spain. Such a blunder, as all see it now, would have been worse than a crime, but Sanford B. Dole, with the insight of a statesman, saw its full meaning at a glance and he wrote President McKinley putting Hawaii at the service of the United States. It was not long before the Stars and Stripes rose upon the towers of the capitol. For five years the President had held vigil for that day and the end crowned his patriotic work.

Still he could take no rest. Faction raised its voice to prevent his becoming Governor; but Mr. Dole had deserved and won the confidence of those elements in any country which shape its affairs if they wish to do so and they saw that President McKinley was not deceived as to the personality of Mr. Dole or the needs and wishes of Hawaii. The Governorship was offered to the man who had earned it. Mr. Dole was not ambitious for office; his health was broken; he wanted rest and freedom from responsibility, but the demands of the new Territory were imperative and he acceded to them. He entered office with the treasury surplus gone to pay for the battle with the bubonic plague and at a time when demands for public utility were greatest. Through the labyrinth of debt and doubt he led the way to firm ground, only to find himself undermined at Washington by men who had been driven from plunder by the triumph of his American policies. For weeks there was danger of his removal; but when the business interests of Hawaii, always as tardy in action as decisive in results, asserted themselves, Governor Dole received a splendid vindication from President Roosevelt who gave out officially: "The President, after most careful investigation and hearing as many men as possible and hearing from others has come to the conclusion that Governor Dole's administration is such as to warrant his continuation as Governor of Hawaii and entitles him to the respect and hearty support of the administration." It was the very irony of fate that some of those who were deepest in the plot to secure the Governor's removal soon had their political power utterly broken by the exposure of their misconduct in office.

Today the long executive career of Sanford B. Dole ends with his exchange of the Governorship for the bench of the Federal Court. Looking backward over more than a decade one can see how surely, when the emergency came, the man was here to meet it. As President Mr. Dole did not suffer in contrast with some executives that have towered in a wider field. He was accepted by thinking men in the United States—born under an alien flag though he was—as a great American. Let the factional storm rage never so wildly against him, his mere appearance at Washington was enough to win him the respectful fellowship of the masters of American destiny. Presidents welcomed him as a friend and an intellectual and moral equal. As Governor he has served in a more restricted sphere than he did as President, but with a fidelity to honor, with a standard of public service, with a certainty of judgment, which makes his appearance in the Federal judiciary as honorable to the bench as it is gratifying to him.

Judge Kepoikai does not dignify himself or his race by refusing acceptance of Governor Carter the courtesy of his resignation. The Treasurer takes the ground that there is no necessity for him to be polite and that, having been confirmed by the Hawaiian Senate and commissioned for four years, he is not called upon to leave before the term ends. Apparently Judge Kepoikai forgets that a Governor is supposed to appoint all heads of departments and that it is the commonest civility under the American system when one Executive retires for his appointees to go with him and to give the new Executive a free hand. Every member of former Governor Dole's official family has met that obligation but Kepoikai. He alone assumes a role which self-respect cannot approve and which will rise up against him in future should he ask preferment at the hands of the party here or of a Republican national administration.

The Dominican rebels seem eager for a quarrel with the United States. First they repudiate American claims which the regular government had agreed to pay; second they fire on an American merchant steamer and thus make themselves liable for more indemnity. Under the circumstances the United States would be justified in making an offhand treaty with the President of San Domingo permitting it to interfere, disperse the rebels, preserve the peace and establish a protectorate. As annexation is written on the wall it might as well be anticipated by some form of lawful occupancy now.

Two departments or states of Colombia wish to join the republic of Panama. If they should be admitted, the fact would add to the difficulties of the Colombian President and to the incentive for hostilities. While Marroquin might conclude to let the little isthmus go without a fight he could hardly be complaisant over the loss of Cauca and Antioquia. Again, if annexation is in the air, as seems probable, the United States might not care to go beyond the scientific frontier which the isthmus alone affords.

The Independent announces, whether officially or not it omits to say, that the present grand jury does not indict some one for "election frauds," that body will be dismissed and a second jury chosen that can be counted on. Does this portend another grand jury packed by the Home Rule sympathizer on the Circuit Bench?

The Independent should not try to tell what it doesn't know about American political methods. It hasn't the voice.

THE KEPOIKAI CASE.

The legal claim of Judge Kepoikai upon the office he now holds is considered good. The Advertiser, for one, has not questioned it. If Judge Kepoikai chooses to remain as Treasurer he cannot be removed by the Governor and Senate unless they shall establish charges against his competency or probity or both, or unless, in the meantime, Congress shall empower the Territorial Executive to remove heads of departments at will.

So the question is not of law but of custom and civility. In a way the great offices of the Territory resemble those held by the cabinet ministers of the President. They are not independent bureaus but are branches of the central administration. The work of the departmental chiefs, collectively, makes up the record and policy of the Governor. The latter's annual report to the Secretary of the Interior must describe and explain what the Treasurer, the Auditor, the Superintendent of Schools, the Superintendent of Public Works, etc., have been doing in their official capacities. He alone speaks for them. If things have gone wrong with these officials the Governor is held to technical account as the appointing power. Being so responsible it is but fair that his right to appoint should not be limited by anything save the co-ordinate rights of the Senate. Nor is it, except when Governors change and some official who had received his commission from one Executive insists upon staying in office under another. A case like that so rarely happens—heads of departments usually being gentlemen, accustomed to American official etiquette—that the law does not make provision for policy removals. President Roosevelt, for example, could not have removed a single member of President McKinley's hold-over cabinet. But he was dealing with American statesmen and gentlemen—not with feed-trough politicians—and the absence of a law did not worry him. The resignation of each member of the Cabinet was presented to him at once. So it has always been at Washington save in the case of Secretary of War Stanton, who, urged by the Senate and by the Republican party, held out against the notorious President Johnson, who had threatened a despotic use of the army against the legislative power. Secretary Stanton's act was patriotic in a broad sense and cannot be used as a precedent for the porcine greed of Kepoikai in trying to force himself into an administration where he is not needed or wanted and where his utter ignorance of all things financial, save the drawing of his pay, is likely to bring derision upon the new Governor's fiscal policy and public disgrace upon himself. When that disgrace comes he will not find a single sympathizer in the hui of disbarred attorneys, disgraced ex-candidates, graduated embezzlers and the like who are urging him to disturb and embarrass the administration of which he insists upon forming a part.

CARTER AND BONDS.

Mr. DARTON was none too generous in his praise of Acting Governor Carter's work in placing the Hawaiian bonds. For the first time in the local history of such transactions, the result has been wholly satisfactory and the delays slight. Mr. Carter undertook a delicate task and made no mistakes from the beginning. The bonds were not only placed speedily but a saving of \$75,000 was made by the reduction of interest and of \$20,000 by improving upon the original plan of sale. The result and the methods of attaining it mark Mr. Carter as a master of such financial problems as occur in the processes of governmental administration here.

The late Mrs. Hiram Bingham was a type of the sincere and self-sacrificing missionary who brought a knowledge of the Bible to the natives of the tropical Pacific islands. Nothing could be more sincere than her religious faith. It took her far from home and kindred into the haunts of savage tribes where her life was always in peril and where her only reward was in the consciousness of duty done. Such missionaries are among the noblest and bravest of all the pioneers of civilization.

The Bulletin's desire for an investigation of "election frauds" which did not occur has been gratified. The grand jury finds that nothing occurred at the polls to warrant the indictment of anybody. This pours a bucket of cold water on the Home Rule contest case, the evidence of ballots not only having been passed upon by a competent tribunal but the ballots themselves having been unsealed and examined by fourteen men, an act which relieved the accused election officers of sole responsibility for the condition of the voting paper.

Nothing is seen of the Colombian army that was supposed to be marching on Panama. It may have heard the American salutes to the new flag and turned back. If so the Colombian army should be complimented on its discreet behavior.

Now that part of the County Act has been decreed invalid perhaps good government would be served—especially in the other counties of the group—by an attack upon the legality of the whole thing.

The Independent should not try to tell what it doesn't know about American political methods. It hasn't the voice.

The Promotion Committee, in taking up the task of getting American farmers into the country, is doing more to build Statehood than any other force. Hawaii can never be a State with its present electorate. It must have an American population to win the confidence of the American Congress. Nothing contains a stronger assurance of that than the history of the abortive half-century attempt of Latinized New Mexico to make its way into the sisterhood.

REFORMS OF COURT PROCEDURE.

Justice Brewer's indictment of the American jury system continues to attract the thoughtful interest of public men. That eminent member of the U. S. Supreme Court declares that public opinion is rightly directed against the existing jury system on three points: First, the provision that a jury must be composed of twelve persons; second, the methods used for the purpose of securing a jury free from prejudice or pre-determined opinion; and third, the requirement that the decision be the unanimous opinion of the twelve jurors.

He declares that there is no magic in the number twelve for jurors, no mysterious reason why there should be that number instead of eight or sixteen. The idea of a jury trial is to ascertain the average judgment of the community on the merits of the controversy. It is not necessary, declares the justice, to have a fixed number of jurors in getting at this average judgment. "It may well be," he says, "that where a man's life is at stake, or where the amount in controversy is large, twelve would not be regarded as excessive, but where lighter offenses are charged or the amount in controversy is small, it would seem that the ends of justice would be subserved were there but six or eight jurors, and certainly time and money would be saved thereby."

But this objection is trivial when compared to the objection contained in the second point with respect to the manner in which jurors are selected. Under the practice in most courts the best material from which juries might be secured is barred from the selection. Bright men who read and keep themselves informed are sure to have information of every crime of consequence, and information without some sort of an opinion is an unnatural condition. The struggle of lawyers is to get on the jury such men as are easily moved by eloquence, or who may be confused by contradictory evidence into a condition of doubt. This struggle has resulted in carrying the doctrine of "no opinion" to an unreasonable extent. "No man should be held disqualified," declares Judge Brewer, "because he has read the newspaper report of a transaction or even heard some of the witnesses talk about it, and from reading or hearing has formed a passing opinion upon the case. No one for a moment supposes that the judge is disqualified or that he will incorrectly declare the law, although he may have heard the whole story of the transaction. No more should an intelligent, honest man be held disqualified from passing judgment upon the facts for the simple reason that he has read or heard the story."

Judge Brewer would dignify the jury system by freeing the jurors from the many annoyances to which they are subjected. He would increase the pay of the juror. "He should not," continues this eminent authority, "be compelled to work more hours than the judge. To shut him up and keep him confined day and night is a crime against society. He is treated too often as an object of suspicion—as though he were probably dishonest, and must be specially shielded from temptation. Why should he be shut up when the judge is not? A bad man on the bench or in the jury box will surely find ways to be tempted, and few things are more calculated to degrade his office in the sight of the juror and to bring out all the evil that is in him, than the consciousness that he is an object of suspicion. I have been thirty-seven years on the bench, and take pleasure in recalling that, so far as it was possible, I always relieved the juror from confinement other than such as I myself submitted to; that I endeavored to make him in the discharge of his duty free from annoyance and suspicion. And I have not the slightest reason to doubt that the course thus pursued resulted not merely to the comfort of the juror, but in a better administration of justice."

Having brought a better class of men to the jury box through the methods here indicated, Justice Brewer would do away with the unanimity rule and have a verdict returned by two-thirds or three-fourths of the jurors. "Why," he demands, "should the unanimity rule be deemed essential? Neither in legislative halls, among judges, in arbitration proceedings, nor in scarcely any other body called to make a determination is it the rule. In my judgment, the great objection to the jury system as it is administered today, and the one which more than any other threatens its overthrow, is this rule of unanimity. Were it abolished less time would be wasted in impeding a jury, and a better class of jurors would certainly be selected. More than that, the truth would be more certainly determined. How often, in criminal cases, do ten or eleven jurors yield to the obstinacy of the remaining, and agree on a verdict for a lower degree of crime than they really believe the defendant to be guilty of? And in actions for the recovery of money, how often is the amount of the verdict affected by the obstinacy of a single juror?"

Here in Hawaii the jury system is in worse case than on the mainland and Justice Brewer's opinion of it would be interesting. Originally we had color line juries; that is to say, white men tried white men while aborigines tried aborigines. The system was good in that it gave justice to each race but under the fallible jury scheme as a whole. But annexation brought mixed juries with the result that no white man seeking justice from a native can be sure of getting it from the native jurymen; and any native trying to wreak injustice upon a white man will generally have the support of native jurymen in the attempt. Furthermore native grand jurors may usually be depended on to clear an accused man of their own race, however strong the evidence may be against him. Such a state of things threatens the foundations of our common social order.

Carrie Nation has joined the army of cranks who are pressing on the President. At the rate the queer people are rallying about the White House the Government will soon need to put another wing on the building for a receiving hospital.

LOCAL BREVITIES.

(From Wednesday's Daily.)

Miss Maria Brede has gone to take charge of the wireless telegraph station on Lanai.

Dr. Cofer has gone to Mahukona to appoint an assistant quarantine physician at that port.

Information is wanted regarding the whereabouts of William Webb, alias Karl Leo, age about 55 years.

C. H. Kluegel, the well known engineer, is a candidate for the office of Superintendent of Public Works.

Dr. Cofer, chief quarantine officer, has been asked from Washington for data, respecting Maui Island, the site of Honolulu quarantine station.

Dr. Walter Hoffman was called suddenly yesterday to go to Kauai, and will not return until Friday or Sunday. During his absence Dr. Carl Hoffman, of Waiapahu, will look after the former's office.

Dr. R. G. Curtis left with his bride in the Kinau for Hilo, where the doctor is a practitioner. Mrs. Curtis was a Miss Blair of New York, who arrived in the Alameda. The marriage took place here on Monday.

(From Thursday's daily.)

Acting Governor Carter for the present occupies the office quarters of the Secretary of the Territory.

Alexander Young received a cablegram yesterday before departing on the Alameda for the Coast stating that Mrs. Young was better.

The S. C. Allen executors have brought a mortgage foreclosure suit on a note for \$1200 with 7 1/2 per cent interest against John C. Crowder.

Roy H. Chamberlain, Collector of Internal Revenue, cabled to Deputy Collector Harry Couzens that he would return in the steamer Korea.

Dr. H. C. Watt of Kauai was naturalized by Judge Dole yesterday. He was a former subject of Great Britain.

Judge Alexander Lindsay was admitted to practice in the United States court upon motion of J. J. Dunne yesterday.

Edward Kunst has brought suit against Otto Ludloff et al. to foreclose a mortgage on land in the Kapiolani tract. The amount claimed is \$1100.

Judge Dole yesterday ordered the arrest of F. J. Turk for failure to pay the fine imposed upon him for violation of the shipping laws.

Consul General Goodnow was in charge of two American soldiers on the Hongkong Maru yesterday. They were members of the legation guard at Peking and are being taken to San Quentin to serve a term for burglary.

Footings of tax collections for Oahu this month, on the 16th of which taxes became delinquent, have not yet been made, on account of the returns from Waiailua, Koolaula and Koolau not having been received. In round numbers Honolulu has contributed \$490,000 and Ewa \$122,000.

MERCHANTS SUSTAIN FEDERAL JUDGE DOLE.

The directors of the Merchants' Association, at a special meeting held yesterday, adopted the following resolution:

Whereas, the business and other property interests of the Hawaiian Islands have for the past decade been well and safely guarded and protected by the wise and conservative policy of the Honorable Sanford Ballard Dole in his capacities as chief executive of the various governments of these islands, and

Whereas, the President of the United States has favored this community with the appointment of Mr. Dole as Federal Judge to interpret the Federal laws as applicable to the Territory of Hawaii, now therefore be it

Resolved, that the Merchants' Association of Honolulu express its appreciation of the great and distinguished services rendered by the Honorable Sanford Ballard Dole in the past as well as its gratification in his appointment to the high judicial position of the United States Judge for the Territory of Hawaii, and be it further

Resolved that a copy of these resolutions be presented to Judge Dole and also published in the public press.

KEPOIKAI DENIES THAT HE HAD PROMISED TO RESIGN.

(Continued from page 1.)

spect of Presidential Cabinet officers. It has not escaped my attention that, almost before the ink was dry upon the cablegram announcing your prospective appointment as Governor, you were out in an interview wherein you in effect demanded the resignations of all heads of departments. The extreme impropriety of such a course on your part, at so very early a stage of your anticipated incumbency of the executive chair, must now be as apparent to you as it is to all the rest of the community. There are many who look upon your premature and frequent interviews in this respect as nothing less than insulting to the incumbents of the offices referred to, and an impeachment of the judgment of the distinguished gentleman to whom they owe their appointment. And what ever may have been my views as to resigning my office upon the consummation of the change in question, your own most objectionable course in this regard would of itself have been sufficient to lead me to a change of mind.

However much we may differ as to what is my right and duty in the premises, you may safely rely on my hearty co-operation with you in all matters calculated to promote the best interests of the people of this Territory, without regard to race, creed, color, or political affiliation.

Very respectfully yours,
A. N. KEPOIKAI,
Treasurer of the Territory.

Pains in the Back

Are symptoms of a weak, torpid or stagnant condition of the kidneys or liver, and are a warning it is extremely hazardous to neglect, so important is a healthy action of these organs.

They are commonly attended by loss of energy, lack of courage, and sometimes by gloomy foreboding and despondency.

"I had pains in my back, could not sleep and when I got up in the morning felt worse than the night before. I began taking Hood's Sarsaparilla and now I can sleep and get up feeling rested and able to do my work. I attribute my cure entirely to Hood's Sarsaparilla." Mrs. J. N. PEERY, care H. S. Copeland, Pike Road, Ala.

Hood's Sarsaparilla and Pills

Cure kidney and liver troubles, relieve the back, and build up the whole system.

BUSINESS CARDS.

H. HACKFELD & CO., LTD.—General Commission Agents, Queen St., Honolulu, H. I.

F. A. SCHAEFER & CO.—Importers and Commission Merchants, Honolulu, Hawaiian Islands.

LEWERS & COOKE—(Robert Lewers, F. J. Lowrey, C. M. Cooke)—Importers and dealers in lumber and building materials. Office, 414 Fort St.

HONOLULU IRON WORKS CO.—Manufacturers of every description made to order.

HONOLULU STOCK EXCHANGE.

Honolulu, November 19, 1903.

NAME OF STOCK	Capital	%	Big	Ask
MERCANTILE				
1. Brewer & Co.	1,000,000	100		865
STANDARD				
2. Agricultural Co.	5,000,000	100	20	21 1/2
3. Commercial & Eng. Co.	2,412,750	100	45	46 1/2
4. Hawaiian Sugar Co.	2,000,000	100	20	21
5. Honolulu	750,000	100		
6. Kahuku	2,000,000	100		
7. Kalahele	500,000	100	20	21
8. Kalahele, Co., Ltd.	500,000	100	20	21
9. Kalahele	100,000	100		15
10. Kalahele	500,000	100		
11. Kalahele	500,000	100	20	21
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199. Kalahele	500,000	100	20	21
200. Kalahele	500,000	100	20	21

On Shore and Facing Eastward

SOUTHERN PACIFIC offers

Choice of Routes and
Choice of Trains

"SHASTA ROUTE"—Oregon Express.

"OGDEN ROUTE"—New Overland Limited.

"SUNSET ROUTE"—Sunset Limited. Down California Coast. Crescent City Express via San Joaquin Valley.

THE DIRECT ROUTE IS THE OGDEN.

The SHASTA will show you Northern California and Western Oregon.

The SUNSET, Central and Southern California, Arizona, Texas, Louisiana.

FOLDERS AND BOOKLETS AT

Information Bureau

613 Market St., San Francisco.

CARTER'S BOND WORK A COMPLETE SUCCESS

His Methods Saved Nearly a Hundred Thousand Dollars to the Territory—Opening of Bids and Placing of Bonds.

Fisk & Robinson, New York, entire issue of 1000 thousand-dollar bonds at	\$ 1,000,626
Union City Bank, New York, entire issue of million par value	996,261
Hawaiian Investment Co., Honolulu, entire issue as above at	996,025

The foregoing is the result of the public offer of \$1,000,000, par, of the Public Improvement bonds of the Territory of Hawaii, advertised on the mainland and at home, the issue being authorized by an act of the Legislature of Hawaii approved by the President of the United States.

After the opening of the bids yesterday afternoon Treasurer Kepolka, upon the advice of Acting Governor Carter and a representative gathering of business men called for informal consultation in the Secretary's office, sent the following cablegram to the United States Mortgage and Trust Company, the agency for receiving bids in New York selected by Secretary Carter on his most prosperous mission: "Fish & Robinson bid accepted. Telegraph when money paid."

The accepted bid represents a premium for the bond issue of \$626, or one-sixteenth of one per cent.

At 8:30 in the morning Treasurer Kepolka received the two New York bids in a cipher cablegram from the agency there. The cipher was taken to the office of the Secretary of the Territory to be translated. This task was performed by Charles R. Buckland, assistant secretary to the Acting Governor.

There were present at the council when the award was made, besides Acting Governor George R. Carter and Treasurer A. N. Kepolka, the following named gentlemen: S. M. Damon, of Bishop & Co's bank, E. I. Spalding of the bank of Claus Spreckels & Co., P. C. Jones of the Bank of Hawaii, Attorney General L. Andrews, Auditor J. H. Fisher, J. A. Gilman, W. Pfofenhauer, F. M. Swamy, Clarence H. Cooke, B. F. Dillingham, F. J. Lowrey, John Waterhouse and Deputy Auditor H. C. Meyers.

Mr. Jones, when the Treasurer solicited advice as to the most advantageous bid to accept, unhesitatingly pronounced in favor of Fisk & Robinson's. In the course of conversation following the decision, Mr. Jones related his experience in unavailingly trying to float a conversion of bonds under the Republic of Hawaii, when Mr. Damon was Finance Minister, although tempting concessions were offered.

Acting Governor Carter backed the opinion of Mr. Jones, maintaining there was no question of the superiority of Fisk & Robinson's offer.

Mr. Damon, after the rest of the meeting had given coinciding views with those of Messrs. Carter and Jones, made an address warmly congratulating Mr. Carter on the result of his re-

cent mission to New York and Washington. It was the first time that a loan of such an amount had ever been placed satisfactorily to the Hawaiian Islands. Not only did it redound to the great credit of the Acting Governor, but it would prove of material benefit to the financial interests of the Territory.

At the instance of the Acting Governor, the meeting most cheerfully ratified the acceptance of the bid of Fisk & Robinson.

Acting Governor Carter again evinced his grasp of the entire business at the moment the decision was reached. He insisted upon the importance of cabling an immediate acceptance of the bid of Fisk & Robinson. Otherwise there would be a liability of manipulating the knowledge of the situation, when made public as it must be, by New York financiers so as to make a round \$20,000 or more out of the Territory. This might have been done through a withdrawal of the bids, coupled with refusal to take the bonds, and a holding up of the Territory for better terms.

What has been gained for the Territory by the masterly handling of the loan from first to last may here be summed up:

Saved by reduction of interest from 5 per cent. to 4 1/2 per cent. in fifteen years	\$75,000
Saved in premium over the result of selling the bonds under the original plan	20,626
	\$95,626

It was estimated yesterday that the cost of sending the money here from New York will amount to but \$2500.

The bonds will bear interest from October 1, 1903, and the amount accruing up to November 24 is payable on delivery of the bonds.

All of these happy results have been achieved at an expense of probably less than \$3500.

The men about Kepolka are not able to keep their own noses above water politically and they don't mind having Kepolka go down with them. Misery loves company.

European powers are binding themselves with arbitration treaties. Is this the first step toward the partial disarmament advocated by the Czar?

Who wouldn't ride with Dickey now?

PROTECT YOURSELF and family against attacks of pneumonia by securing at once a bottle of Chamberlain's Cough Remedy. If this remedy is taken on the first appearance of a cold all danger will be avoided. It always cures and cures quickly. Sold by all dealers and druggists. Benson, Smith & Co., Ltd., Agents for Hawaii.

UNITED STATES JUDGE DOLE BEGINS WORK

(Continued from page 1.)

of various nationalities with various ways of looking at things, but after all, in my opinion, it is a good kind. It has been because the Hawaiian community has not been without a head that things have been accomplished. We have seen in the last ten years since 1893 many occurrences in the affairs of Hawaii. The occupant of the throne had, for a time at least, disavowed constitutional obligations, in the opinion of many vigorous minds it was a fitting occasion for declaring the throne vacant. Then occurred the question, which had to be decided immediately, whether Kaulani, the heir apparent, should be the successor, or a new Government should be established. I did not know myself, and I have no right, except by inference, to say what your own opinion was at that time. You were able to do, however, what every man can not do, without regard to your personal preference, take up the course decided upon in that emergency by the forceful minds of the community.

Right there was a critical time. I do not think there was a single other man in this community who could have taken the position which you took with equal chances of success, and who could have commanded the confidence of all classes, both our friends among the Royalists and other nationalities with the comparatively small American element which had determined upon this course. It was, I think, the feeling of confidence in your personal integrity, and that you would unselfishly safeguard the interests of the public. It was from that feeling of confidence in your own fairness more than the armed or any other forces here, that the country lived through this critical point. This is my calm judgment of the situation, and I think history will so record it.

As far as I know, the most fault that has been found with your administration of the Executive has been that you were not partisan enough. Whether it was from your temperament, or your view of right principles, you were not regarded as an ideal partisan. I am speaking plainly. It was felt that you were just, and that was our mainstay during those critical years. It was the feeling your opponents had that you would see the fair thing done that was the salvation of this community.

I believe there is not a Hawaiian in these islands who is not fully in accord with those sentiments.

As to the offices which have come to you, you have the rare good fortune, as I look at it, never to have sought for them. When it came to organizing the Territory of Hawaii, and the appointment of the first Governor of the Territory, I know very well what was said at that time with reference to that appointment. I reveal no confidence, I think, when I say that on the eve of my going to Washington to look after the interests of the Hawaiian Islands in Congress, your friends said they thought it was your duty to say what you wanted, whether you wanted to be Governor, so as to enable them to line up on your side. They felt strongly on that subject, and I took the liberty of telling you what I thought, suggesting that it was your duty in that instance for the man to seek the office, and if you wished the office, to say so. But, I went away from Hawaii without the slightest hint of what your wishes were. You went so far as not even to tell me whether you would take the position if offered you.

It was assiduously said that my main object in going to Washington was to secure the appointment of Governor for you, and yet when I was asked whether you wished the appointment, I had to say I did not know.

I like to think it is possible that this position of yours was appreciated by the best men in Washington. And this position that you have taken now, as Federal Judge of the Territory of Hawaii—I like the manner it has come to you, unsought, unsolicited, so far as I know, and I think I know the facts. Even when the position was mentioned for you it was not known whether you would take it. The most that was said was that it was believed you would.

It is a rare and fortunate thing in public life to have such experience as has been yours. I believe that this community in its inmost heart, regardless of partisanship, wishes you well in your appointment, and that you can feel assured of that. In your performance of duty, in your judgment of matters before you, with your judicial temperament, every one feels that you will administer justice without fear or favor, partiality or hope of reward. You can carry along with you the assurance of the confidence felt, that you intend to do the right thing to the best of your ability, and that you will do so.

We know that you will administer your duties as United States District Judge with conscientiousness, and we hope that you will find that duty a great relief from the Executive duties of the last ten years.

I have been requested by the Executive Committee of the Bar Association to extend to you their congratulations and best wishes, and I do with the greatest pleasure. (Applause.)

OTHER ADDRESSES.

Cecil Brown said in part: "You have been tried as a standard bearer in other prominent positions in this country during many years, and in periods calling for the exercise of great judgment and discretion, and in every case you have not been found wanting in any degree, of the qualities made necessary by the circumstances surrounding or attending your administration during such periods. And I venture to say (and I know no one will gainsay me), that in your administration of the high and exalted position of District Judge of the United States District Court for the Territory of Hawaii, you will but follow in the footsteps which you have heretofore made for yourself, and impartially and judi-

ciously administer and cause to be enforced all laws, and administer even-handed justice to all, tempering such justice with mercy whenever in your opinion or judgment it is necessary or proper."

Attorney General Andrews uttered a feeling of sadness at parting from Governor Dole in the executive. They all appreciated how honestly and efficiently he had directed the affairs of the Territory. The heads of departments had leaned on his judgment, trusting in its soundness. They believed in the principle adopted by the President, who recognized that they had a jurist in the Territory of Hawaii well fitted to fill the office of Federal Judge. It was a matter on which the whole Territory should congratulate itself. "Like Cincinnati you have taken up the plow again—the judicial plow," Mr. Andrews concluded; "We know that no man is more capable than yourself for this position."

C. W. Ashford thought it would be unfortunate if all the expressions on that occasion came from one particular class of political thought. He wished to add his views to those that had been expressed. Sixteen years ago it became his duty—he thought in that very room—as Attorney General to contend that Mr. Dole's appointment to the bench at that time was legal. His contention prevailed and he was well satisfied with the result. For a long time before, Judge Dole had the confidence of the community. The office then sought the man, as it had done with Judge Dole in other cases since. As he had opposed him in his later position, he felt the more free to express his sentiments now. Through all the rancors of the crises since 1893, at no time had the confidence of the community in Mr. Dole's absolute fairness and disposition to do right with all men been wanting, nor was his belief in his desire for justice and in his strict integrity now abated. "Aloha."

C. C. Bittling wanted to speak for the younger members of the bar. As a son of old Virginia, whose father and brother had given their lives fighting against the flag under which Judge Dole was sworn, he would say that Hawaii could not have a greater honor conferred on it than the appointment of Sanford B. Dole as the guardian for this Territory of the constitution of the greatest nation in the world. On behalf of the younger members he would express their utmost confidence in Judge Dole.

F. M. Hatch dwelt eloquently upon that prime characteristic of Judge Dole, his judicial temperament. It was at the very foundation of success in that honorable office. "In you it is a gift of nature," Mr. Hatch said to the Judge. It happened to few men to be put to such a test as Mr. Dole had stood for the past ten years as the chief executive of these islands. Every man would remember how passions ran high, when more than mere party passion prevailed, when the destiny of Hawaii was in question, when blood was cowardly shed and there was a cry of vengeance. "You stood unflinched." It was a triumph of the judicial temperament. Mr. Hatch said in conclusion that he trusted that in that court the highest type of true Americanism would continue to be illustrated, not the kind which vaunted itself, but the type which administered justice in its highest integrity.

J. L. Kaalukou made a short address in Hawaiian.

Henry E. Highton began an eloquent speech with his opinion that the position to which Mr. Dole had been appropriately raised was one of the highest importance. On the broad standard of American citizenship he believed the President had done honor to Hawaii. He knew of no position on earth which was greater than that of an American Judge.

J. M. Vivas recalled a visit he had paid Mr. Dole on his accession to the Governorship. "I told you then," the speaker said, "that your place was on the bench. I am glad that you are again on the bench. Congratulations should not come alone from the bar but from all young Americans." The late Judge Estee as guardian of the constitution initiated many into the principles of Americanism. The President must be very careful in his appointments, and he paid a compliment to the Territory of Hawaii of which every young man in the Territory should be proud.

George A. Davis said the bar could look forward to the administration of impartial justice by Judge Dole. Referring to the Mankichi case, he spoke of the narrow majority by which Judge Estee had been overruled and said a motion was to be made in the U. S. Supreme Court for a rehearing. In England as in America it was a high honor to be called to the bench. The speaker then introduced his recent troubles in the Territorial courts, saying that when enemies assailed him on every side Governor Dole was silent and did not ask for his resignation from the Honolulu district magistracy. "No mistake was made," he concluded, "in appointing you to the position which Judge Estee so honorably and ably filled."

BUSINESS BEGINS.

Clerk Mailing then read the commission and the subscribed oath of Judge Dole.

Judge Dole said there had been no opportunity for an expression of sentiments in that court relating to the death of Judge Estee. He would therefore appoint District Attorney Breckons, Judge Hartwell and Mr. Rawlins as a committee to draft memorial resolutions and report.

Mr. Breckons, on behalf of the Federal officials, tendered congratulations to Judge Dole. He then moved for an order to the Marshal to bring before the court the next morning all defendants against whom indictments had been presented. Also he asked for an order for the attendance of grand and trial jurors.

The orders were made, and the roll of grand jurors called. The court was then adjourned until 10 o'clock this morning.

Kepolka has discovered that President Johnson was impeached. He must have been studying things American in the columns of the Independent.

MR. DICKEY WINS OUT

Gains the Penalty Besides His Point.

Lyle A. Dickey has won his suit against the Honolulu Rapid Transit Company for recovery of the \$100 penalty on account of a conductor's refusal to give him a certain transfer. Judge De Bolt's decision in favor of the defendant corporation is reversed by the Supreme Court, with directions to the Circuit Court to render judgment for the plaintiff for the amount claimed. It is a unanimous opinion of the appellate court, written by Justice Perry. Mr. Dickey appeared in person, and Castle & Withington for the defendant.

The syllabus of opinion giving the law of the case is as follows:

A passenger on the cars of the Honolulu Rapid Transit & Land Company may not lawfully be charged more than five cents for a continuous ride from the corner of King and Keolu streets, along King, McCully, Beretania and Alexander streets to Wilder avenue. Such a passenger is entitled, without the payment of an extra fare, to transfer from the King street to the McCully street line and to receive a transfer ticket therefor.

THE CASE STATED.

At the outset the opinion states the case. It is shown that the plaintiff sued under Sec. 9 of Act 69, Laws of 1898 (the Rapid Transit Co's franchise statute), to recover of the defendant the sum of one hundred dollars for an overcharge alleged to have been made by the defendant on April 7, 1903, while the plaintiff was a passenger on its cars. After laying down the various routes of defendant's tracks, the opinion says:

At the corner of McCully and King streets, the overhead wires were not connected. The plaintiff entered an east-bound car of the defendant on King street at the corner of Keolu and McCully streets and paid five cents as his fare and asked for a transfer ticket to a car going mauka on McCully street. This request was refused. At the corner of King and McCully streets the plaintiff left the King street car and entered the first car on McCully street going mauka and left the latter at the corner of Wilder avenue and Alexander street. While on the last mentioned car the plaintiff was charged and paid an additional sum of five cents as fare. It is for this alleged overcharge that the action is brought. The facts of the case are undisputed and the only question is whether under the provisions of Act 69 the defendant could lawfully refuse to give the transfer ticket demanded and charge an additional fare on McCully street.

Then the governing section of the law is quoted, which provides a fare not to exceed five cents "for a continuous ride anywhere between Diamond Head and Moanalua, or mauka of a line drawn parallel to the sea coast and one and a half miles distant therefrom," with half fare to children going to and from school; also for transfers from one car to another on such continuous trip, upon a connecting line within the limits above mentioned; also for regulations by the corporation with the approval of the Governor, and, finally, the penalty of \$100 for an overcharge.

NOT A RETURN TRIP.

The court makes it plain that a return trip is not in question in this case, as the plaintiff did not make nor attempt to make a circuit of the entire rapid transit system on transfers. The opinion on this point reads:

The ground traversed by the plaintiff in his ride was wholly between Moanalua on the west and Diamond Head on the east and is conceded to have been wholly mauka of a line drawn parallel to the sea-coast and one and a half miles distant therefrom. It was entirely within the outer geographical limits prescribed by the first subdivision of the section. There is no requirement that each five cent ride shall be in one general direction. A limitation as to direction may perhaps be inferred from the use of the word "trip" in subdivision 3 and the word "ride" in subdivision 1. It may be that these words of themselves should be held to indicate an intention on the part of the Legislature to prevent the taking of a return trip for the one fare (see Dickey v. Haw. Tramways Co., 10 Haw. 357, 390); but it is unnecessary to pass upon that point in this case, for the plaintiff did not attempt to take a return trip. He traveled in one general direction only, away from his starting point, as much so as if he had continued to the Manoa valley terminus of the line. Nor need we say how much beyond the corner of Wilder avenue and Alexander street the plaintiff could have ridden before the company could have lawfully charged him an additional fare; it is sufficient for the purposes of this case to say that the ride which he did take was well within all the limitations prescribed by the statute.

ROUND TRIPS NOT ENCOURAGED.

It is further made evident, by the following words of the opinion, that the court does not encourage any abuse of the transfer privilege:

The main argument for the defendant is that to uphold the plaintiff's contention is to enable a passenger to ride "around and around" for a single fare or at least to open the door for fraud of that kind. We do not hold that a passenger may so ride. As to the possible perpetration of fraud, the

company is authorized by the statute to make, with the approval of the Governor, reasonable rules and regulations to prevent it and its officers and employees will as doubt be able to devise such rules as will prove effective to carry out that purpose and prevent passengers from riding beyond the point to which they may lawfully ride for one fare.

The plaintiff's ride was a continuous one, and the line to which a transfer was demanded was a connecting line within the meaning of the statute. The mere fact that the overhead wires were not then connected at that corner would not, of course, render the McCully street line any the less a connecting line (see Dickey v. Haw. Tramways Co., supra, and Haw. Tramways Co. v. Sturdevant, 1b. 597, 599); nor can the company by a mere rule make a line a connecting one for some purposes and a non-connecting one for other purposes. Its power to make rules is always subject to the limitation that such rules must not conflict with the other provisions of the statute.

NAKUINA THE MOST PRINCELY SPENDER

Following are further returns of expenses of candidates in the county elections filed with Registrar C. R. Buckland:

Oahu County—A. Fernandez, supervisor, \$100; Chas. Wilcox, auditor, \$40; W. T. Rawlins, attorney, \$54; S. C. Dwight, supervisor, \$45; Chris Willis, surveyor, \$25; J. H. Wise, sheriff, \$11; Frank Harvey, supervisor, \$41; David Noley, supervisor, \$75.50; J. W. Pratt, assessor, \$75.50; M. K. Nakuina, clerk, \$233.79; J. A. Gilman, supervisor, \$72; A. M. Brown, sheriff, \$221.75; J. H. Boyd, supervisor, \$55; John Lucas, supervisor, \$41; M. P. Robinson, supervisor, \$128.25.

West Hawaii county—S. K. Pua, clerk, \$45; John Kaelemakule, supervisor, \$59.75.

Kauai County—Edward Palmer, clerk, \$25.

Mr. Nakuina bears away the championship belt of the Territory for munificence. The old saw that "money talks" has been made toothless in his case, for he had the not unusual fate of the independent candidate in being most unmercifully rolled down the snowy slopes.

HU YONG SUES BISHOP & CO.

Hu Yong yesterday brought suit against Bishop & Co. for \$2,500 damages for alleged false arrest. The Chinese plaintiff claims to have gone into Bishop's bank in the ordinary course of business, when he was accused of attempting to pass counterfeit money. The bank officials are charged with having called in High Sheriff Browne and the plaintiff says he was wrongfully detained for forty hours. For all of which he demands damages in the amount of \$2,500.

The case grows out of the arrest of two Chinese a year ago for an alleged attempt to pass counterfeit money. The men were taken before the United States commissioner and discharged after their arrest. It seems they had a lot of old quarters, received from China, in their possession, and which were thought to be bogus. The mint officials, however, said they were good and lawful coin of the realm and the charge was dropped.

PLANTATION CAN'T GET ITS MONEY

The Honolulu Plantation Co., is still waiting for the \$75,000 which the Navy Department agreed to pay for lands taken for the Pearl Harbor naval station. The final papers have already been drawn up, but unfortunately just at present the United States cannot lay its hands on the money. Not that the government is so near bankrupt as to be unable to pay a little bill of \$75,000, for the money is on deposit in the bank here. The fund is to the credit of the late Paymaster Stewart Rhodes and Paymaster Brown cannot draw the necessary amount. Orders will have to be awaited from Washington transferring the Navy Department's account to the order of Paymaster Brown. In the meantime the Honolulu Plantation is losing in interest nearly twenty dollars for each day of delay.

Grand Jury Has Postoffice Case.

Hawaii would not be itself if it did not furnish its table with a share of any spice of scandal in the mainland marts of gossip.

They are not yet done over there with the postoffice revelations and their sequence of blighted reputations. Whether Hawaii has a share of the main series or only something like a doctored postage stamp case may shortly be known—that is, through a grand jury report. Happily, though, nothing may develop more than an unintelligible statement of cases investigated without tangible result.

What is known is that the Federal grand jury for the District of Hawaii is investigating a postoffice case.

CHILDREN LIKE TO TAKE IT—

The finest quality of granulated loaf sugar is used in the manufacture of Chamberlain's Cough Remedy, and the roots used in its preparation give it a flavor similar to maple syrup, making it quite pleasant to take. Children like to take it and it has no injurious after effect. It always cures. For sale by all dealers and druggists. Benson, Smith & Co., Ltd., Agents for Hawaii.

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Theo. H. Davies & Co.
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MARINE INSURANCE.

Northern Assurance Company
OF LONDON, FOR FIRE AND
LIFE. Established 1836.
Accumulated Funds £3,975,000.

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OF LIVERPOOL, FOR MARINE.
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Reduction of Rates.
Immediate Payment of Claims.

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99 15-100 Per Cent Pure.

The very best Lime and in the
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SUGAR FACTORS.

AGENTS FOR
The Ewa Plantation Company.
The Waiwala Agricultural Co., Ltd.
The Kohala Sugar Company.
The Waiwala Sugar Mill Company.
The Fulton Iron Works, St. Louis, Mo.
The Standard Oil Company.
The George F. Blake Steam Pump.
Weston's Centrifugals.
The New England Mutual Life Insurance
Company, of Boston.
The Aetna Fire Insurance Company,
of Hartford, Conn.
The Alliance Assurance Company, of
London.

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—LIMITED—

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THE NEW FRENCH REMEDY.

THERAPION. This successful
remedy, used in the Continental Hospitals by Ricord,
Rustan, Jobert, Velpeau, and others, combines all
the desiderata to be sought in a medicine of the
kind, and surpasses every thing hitherto employed.

THERAPION No. 1 maintains its world-
renowned and well-merited reputation for the
treatment of the kidneys, pain in the back, and
kindred ailments, affording prompt relief where
other well-tried remedies have been powerless.

THERAPION No. 2 for impurities of the blood,
acidity, pimples, spots, blotches, pains and swelling
of joints, gout, rheumatism, & all diseases for which
it has been so much a fashion to employ mercury,
arsenapara, &c., to the destruction of the teeth
and ruin of the system. This preparation purifies
the whole system through the blood, and thoroughly
eliminates all poisonous matter from the body.

THERAPION No. 3 for exhaustion, sleep-
lessness, and all distressing consequences of
dissipation, worry, overwork, &c. It possesses
surprising power in restoring strength and vigor to
those suffering from the enervating influences of
long residence in hot, unhealthy climates.

THERAPION is sold by the principal
Chemists and Mercantile throughout the world.
Price in England, 2s. 6d. and 4s. 6d. In order-
ing state which of the three numbers is re-
quired, and observe that the word "THERAPION"
appears on the British Government Stamp (in
white letters on a red ground) affixed to every
genuine package by order of His Majesty's Hon.
Commissioners, and without which it is a forgery.

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Canadian Pacific Railway.

CAMPBELL
WILL CASE

Judge Gear Presents His
Views in Written
Decision.

Judge Gear has filed a written decision bearing on his appointment already reported of Edmund Pearson Dole as guardian ad litem of Muriel Campbell and Beatrice Campbell, minors. Much of it is taken up with argument and authorities to show that the mother of the minors, Mrs. Campbell Parker, is not entitled to nominate the guardian as she essayed to do by petitioning for the appointment of A. F. Judd. At the same time, concluding, he quotes from Mrs. Parker's testimony to corroborate his opinion that her desire was that her children might have everything that belonged to them.

In his comments on the matter, Judge Gear holds that the sale of the San Jose property to Miss Alice Campbell for \$175,000 was a "sham sale," for it appeared not only that she did not pay a cent for the property but also that she did not understand anything about the matter. Miss Campbell, the Judge holds, was used as a "dummy" through whom the trustees under James Campbell's will should secure title to the property. He does not believe the sale "can be allowed to stand in case proper judicial proceedings are instigated to set it aside."

Mr. Bird, the San Jose attorney, Judge Gear says, "is of course much interested in keeping matters in statu quo, as his position depends upon so doing. But the court must blame the trustees for allowing this to go on, for both Mr. Cecil Brown and Mr. (J. O.) Carter have admitted to this court that they believe the will to be void in California. They are, however, following the advice of Mr. Bird, who has sought and is seeking to keep this property in the trust created by the will, on the ground that this was testator's desire. As the California property was purchased after the will was made I do not see how such a conclusion can be reached, but, even if it were so, the children have the right to what legally belongs to them, and if the trust be void in California this property would descend directly to the heirs who are entitled to it in fee simple, and a contention to the contrary is adverse to the interest of the children."

BOUGHT HER
NO CLOTHING

Helen Wainee Kaolulu has filed suit for divorce against Robert Kini Kaolulu for failure to provide. They were married in Honolulu in January, 1900, and since that time the wife claims her husband has failed to provide for her, as he drank and gambled frequently.

She was compelled to get clothing from friends, and had to look to them also for rent money. During the past year the wife alleges that she was struck and beaten very often by her husband.

LOCAL SEAMEN
OPPOSE RINDER

Honolulu Harbor No. 54 of the Association of Masters and Pilots has opposed the selection of Captain Rinder to command the new American steamship Mongolia. The resolution of the local harbor went forward on the Gaelic last Wednesday to Secretary of the Treasury Shaw. The local harbor took action at the request of the San Francisco harbor, although it did not feel directly concerned in the matter. It is thought that action will be taken by every Harbor in the United States. Rinder has been a member of the British Naval Reserve.

Deserted Her Husband.

John Fernandez Cazinaha has filed suit for divorce against Maria Cazinaha on the ground of desertion. The couple were married in May, 1880, at Ponta del Galda, Madeira Island, by Rev. Father Coelho. They came here in 1883. In May, 1889, the libellee went to St. Michael, Island of Madeira, on a visit, and returned in January, 1900. In that month the libellant claims his wife willfully deserted him and has since lived at Pauca.

D. L. Van Dine, of the Federal Experiment Station, left in the Kinua for a tour of investigation among the coffee plantations of Kona.

Good Humane Work.

On Monday last Humane Officer Benoit completed his first year of service in behalf of dumb brutes. In that time the officer has noticed a marked change in the attitude of people in general toward the work, and his efforts are now aided instead of being retarded. During the first six months he averaged about six arrests per month, but at present seldom makes an arrest, his warnings being sufficient to cause offenders of the law to rectify mistakes or treat their animals better.

Judge Gear admitted Hugo Heinrich Haneberg, German, to American citizenship in open court yesterday morning.

George H. Paris has returned from a business stay of some time on Kauai.

THE FACTS WHICH SMALL
FARMERS ARE ASKING FOR

Agricultural Possibilities in the Hawaiian Islands,
Soils, Climate, Variety of Productions and
Markets Described by U. S. Expert Smith.

Unqualified praise is due the Promotion Committee for sending out a pamphlet by Jared G. Smith on "Agriculture in Hawaii." Several thousand copies will leave on the Alameda and go where they will do good among American farmers seeking a new home. The descriptive text supplied by Mr. Smith is supplemented by a chapter on the Land Laws and Open Areas. Extracts from Mr. Smith's contribution, excluding the familiar facts he gives about sugar, pineapples, rice and sisal follow:

AGRICULTURAL POSSIBILITIES.

Although the Hawaiian Islands are within the tropics, the climate is sub-tropical, rather than tropical. Summer maximum temperatures seldom range above 85 degrees Fahrenheit, while at sea level, winter minimum temperatures seldom reach 50 degrees. The climate is characterized by equality of temperature. The daily range averages about thirteen degrees and seldom exceeds twenty degrees. At Honolulu the average temperature is 74 degrees Fahrenheit, with a daily range of eleven degrees. The daily range usually increases toward the higher elevations, ranging from 16 to 20 degrees. The average relative humidity is 72 per cent., which is low for the tropics, and to this fact may be attributed much of the salubrity of the climate. The climate is insular, that is, the rainfall, the number of cloudy or clear days per month, the amount of wind and the humidity of the air, vary according to the location of the land in relation to the mountain ranges of the islands, or in relation to the altitude above sea level. Frequent light local showers are characteristic of the Hawaiian climate. They often seem to come from a clear sky, and it frequently happens that one locality may be drenched by a sudden shower, while a few hundred yards distant there has not been a drop. The prevailing wind is the Northeast trade. It blows on an average 260 days in the year. Devastating winds are of rare occurrence. There are light sea breezes and occasionally a "Kona," which is a severe Southwest wind. November is the special season for the Kona, which, in some sections and at long intervals, causes considerable damage. The rainy season extends from November to the end of March. Electrical disturbances are occasional but not serious. The rainfall varies according to the seasons of the year and location. The Northeast and East sides of each of the Islands are wet, the opposite sides of the islands dry. The rainfall in certain districts on the dry sides of the Islands may not exceed twenty inches per annum, while on the wet side it may average as high as thirty inches per month. The valleys, plains, plateaus, gulches and mountains all have a climate peculiar to themselves.

SOILS.

The soils of the Hawaiian Islands are mostly volcanic, the only exception being certain low lying coastal plains, which are of a coral origin. The soils differ widely from most of the agricultural soils on the Mainland. They require different treatment. Their chief characteristics are their acidity, the exceptionally high percentage of iron and their high percentage of nitrogen. Most of the soils are also rich in phosphoric acid and potash, but the phosphoric acid is to a large extent locked up with the iron in an unavailable condition. As a general rule all of our soils require the use of fertilizers to secure the best results. The physical condition of the soils is such, and the prevailing slope of the agricultural lands is so high, on many of the islands averaging 500 feet per mile, that irrigation is required, except in regions with a high average monthly rainfall. Our soils do not retain moisture. The average content of nitrogen exceeds 0.3 per cent., or six tons in the soil to the depth of one foot on an acre of land.

To reply to numerous queries in regard to what can be grown by prospective settlers in the Hawaiian Islands, the following notes in regard to some of the chief agricultural products are given.

BANANAS.

Bananas require a rich soil, high temperature and abundant rain fall or irrigation. There are several varieties cultivated, some of which are native and some imported, but that known as the Chinese is the chief export variety. The banana is propagated by means of suckers or off-shoots from the base of the plants. These in the case of the Chinese banana are set at intervals of about ten feet each way. The ground between them should be cultivated, fertilized and kept free from weeds. The plant fruits in from eighteen to twenty-four months from the time of planting. Each plant bears only one bunch and it is then cut down, but each plant throws out a great many suckers, and these develop in succession, so that the bananas may be harvested almost continuously, from the time they first come into bearing, for a number of years. Bananas sell in the San Francisco market for from \$1.25 to \$2.50 per bunch. Even at the lower price there is a very good margin of profit. The acreage of this crop, although already large, is being rapidly extended. Good banana land may be obtained in the vicinity of Honolulu where the bananas must be grown by irrigation, or in the vicinity of Hilo, where the conditions for the development of this industry are exceptionally favorable. There are about ten freight carrying steamers from Honolulu to San Francisco or other Pacific Coast ports and one direct from Hilo.

FRUITS.

There is a small export trade in the alligator pear, which is a fruit that can be shipped in cold storage. There is a very large local demand for this product, and the demand is growing in San Francisco and other Coast ports. Shipments of selected fruit bring from \$4.00 to \$6.00 per dozen in San Francisco. The local demand is also quite large, and local prices are quite satisfactory. The alligator pear is a tree susceptible to orchard cultivation. It requires very little water and grows better at the lower than at the higher elevations. Another fruit for which there is a large local and a growing export demand is the mango. There are several varieties already in cultivation in the Islands. Grapes are raised by the Portuguese settlers. The Isabella is the variety chiefly grown, but all of the European wine and table grapes also thrive. The lower lands of the Kona coast of Hawaii and Oahu are especially suited to the cultivation of grapes. Some wine is made but the local market does and will for some time to come absorb all the good table grapes that can be produced. Other fruits which grow well are the Cherimoya, the orange, especially the seedling varieties, the mandarin, lemon, lime, vi, strawberry, papaya, fig and many others. The papaya

(Continued on Page 7.)

ASSAULTED
HIS GUARDS

Porto Rican Con-
vict Wiolds Rock
Hammer.

A desperate Porto Rican convict made an unsuccessful attempt to kill two of his guards yesterday forenoon while at work in the Makiki quarries behind Punchbowl. The convict is now held in solitary confinement in Oahu prison on a bread and water diet, and is also nursing a wounded head.

Montaro Colon is the name of the man. He was sent up for two years for burglary. The guards whom he attempted to kill were Henry Cockett and Mr. Weber, formerly a motorman on the Rapid Transit railway. Colon was breaking rock with a gang when he was ordered to perform other duties. Guard Cockett gave the order but the Porto Rican was slow to obey. The guard repeated his command and the prisoner then flatly refused to do what he was told. He showed fight and told the guard he was ready to meet him in combat. Cockett again ordered the convict to carry out his instructions. Cockett turned slightly at this moment and as he did so, the prisoner, armed with the 14-pound sledge hammer with which he had been breaking rock, leaped toward him and swung the hammer to bring it down on Cockett's head. The altercation in the meantime had attracted the attention of Weber, and as the desperate man made his move to assault, Weber leaped upon him and diverted the blow. The suddenness of his own attack, however, gave the Porto Rican an opportunity to make a struggle and both guards had their hands full for about a minute. They finally wrenched the hammer from him. In doing so Colon was struck several times on the head.

The other guards drew their revolvers and covered the remaining prisoners to prevent a demonstration, but this was hardly necessary as they took little interest in the outbreak of their fellow-convict.

Colon's head was bandaged and he was handcuffed. In this condition he was placed under guard and returned to prison.

The Porto Rican has given the prison authorities considerable trouble since his incarceration about ten months ago. He has made three or four assaults upon his guards but none were so nearly successful as that of yesterday.

WHAT WE HAVE

learned. The century just closed was the most wonderful of all the centuries since the morning of time. Whether the twentieth will equal it remains to be seen. Conspicuous among its inventions and discoveries is the advance made in preventing and curing disease. Great epidemics no longer sweep over the world; men have learned how to choke these monsters in the hour of their birth. And as to those diseases which were practically universal and continuous, diseases which afflicted and destroyed more people than occasional outbreaks of cholera, small-pox or plague, we have them now under control to an extent that, twenty-five years ago, was not dreamed of as possible. The list includes Scrofula, Anemia, La Grippe, Influenza, Troubles of the Throat, Lungs, Stomach and Bowels and all Wasting Complaints. Over these scourges of the human race the specific and antidote provided by progressive medical science is

WAMPOLE'S PREPARATION
It is palatable as honey and contains the nutritive and curative properties of Pure Cod Liver Oil, extracted by us from fresh cod livers, combined with the Compound Syrup of Hypophosphites and the Extracts of Malt and Wild Cherry. Its medicinal and reconstructive power is more than remarkable; nothing compares with it. It never fails to make the weak strong and as an effective remedy for wasting diseases it stands in the front rank in the march of medicine. It comes to the rescue of those who have received no benefit from any other treatment: the blood is purified and disease germs thrust out of the system. It cannot fail. If hard to please, try it: one bottle convinces. The first dose does obvious good. Get the genuine. Sold by all chemists here and everywhere.

INFLUENZA is always more or less prevalent this season of the year. This disease is very similar to a severe cold and if allowed to take its course is liable to cause serious results. The best treatment for influenza is to avoid exposure and "take Chamberlain's Cough Remedy. This medicine gives immediate relief and if used as directed, will ward off all dangerous consequences. For sale by all dealers and druggists. Benson, Smith & Co., Ltd., Agents for Hawaii.

Inspector F. M. Bechtel of the Immigration service left for the island of Hawaii yesterday.

Can't Eat

You certainly don't want to eat if you are not hungry. But you must eat, and you must digest your food, too. If not, you will become weak, pale, thin. Good food, good appetite, good digestion,—these are essential.



Mr. Robert Venus, of Llanconost, Tasmania, sends us his photograph and says: "I suffered greatly from loss of appetite, indigestion, pains in the stomach, weakness, and nervousness. Several doctors tried in vain to give me relief. A friend then induced me to try Ayer's Sarsaparilla, for it had done him much good. The first bottle worked wonders for me. Soon my appetite came back, my indigestion was cured, and I was strong and hearty."

AYER'S
Sarsaparilla

There are many imitations "Sarsaparillas." Be sure you get Ayer's.

Keep your bowels in good condition by using Ayer's Pills. They cure constipation, coated tongue, biliousness, sick headache.

Prepared by Dr. J. C. Ayer & Co., Lowell, Mass., U.S.A.

HOLLISTER DRUG CO.

COURT TERM
PROGRESSES

Four Trial Juries
on Duty Last
Tuesday.

Several defendants pleaded to indictments before Judge Gear yesterday morning, most of the pleas being not guilty.

A motion to quash the indictment of Loy Yin, presented by E. P. Dole, was granted by the court. He was charged with robbery among several others apprehended for connection with the Ewa road outrages, which included foul murder. Another indictment is pending against Loy Yin.

Mau Cheong withdrew his plea of not guilty to indictment for unlawful liquor selling, and pleading guilty was fined \$100 without costs.

Yong Ring withdrew his plea of not guilty to indictment for selling liquor without license, and pleading guilty was fined \$100 and costs.

The trial of Samao Souza Camara for seduction was resumed from Monday, resulting in a verdict of guilty. Sentence was set for 10 o'clock today.

Siu Sau was put on his trial for assault with a deadly weapon on a Chinese woman. W. S. Fleming for the Territory, E. A. Douthitt for the defendant. The following jury were accepted: J. H. Wise, Sol. Keolowa, E. H. Furlis, J. B. Pakelo, Chas. Nottley, L. J. N. Hina, J. H. Davis, G. W. Hayselden, Theo. Wolff, W. A. Hall, G. Woolsey and C. B. Lemon.

CIVIL JURY TRIALS.

Judge De Bolt yesterday heard the trial of the assumpt suit for \$299.50 of B. S. Gregory vs. L. B. Kerr, defendant, and W. M. Campbell, garnishee. P. L. Weaver for plaintiff; C. Creighton for defendant. The following jurors were found satisfactory on being drawn: E. McCorriston, Isaac Adams, E. R. Adams, E. E. Mossman, W. H. Thornton, John Kuanaa, Isador Livingston, E. H. F. Wolter, Isaac Noar, Ben. Guerrero, Isaac L. Cockett and H. Meek. They retired at 3:15 to consider their verdict. At 3:35 they returned, finding for the plaintiff for \$297.35. Defendant excepted to the verdict as being contrary to the law and the evidence, also on the ground of excessive damages.

Late as the hour was, Judge De Bolt considered the twenty-five minutes remaining should be improved. Therefore he ordered a jury called to try the suit of Manoel D. Silveira vs. L. Ahlo, Robertson & Wilder for plaintiff; Castle & Withington for defendant. It was a second trial and among questions to jurors was that of whether any of them had sat on the former trial. The following men were found satisfactory as drawn: Benito Guerrero, Chas. E. Frasher, E. McCorriston, Isaac Adams, W. H. Thornton, Isaac L. Cockett, Charles Butzke, P. M. Lucas, John Kuanaa, E. E. Mossman, Geo. Cypher and Isaac Noar.

PAPERS ON FILE.

W. C. Achi answers the complaint of Enoch Johnson on covenant, admitting that he gave the deed as stated by plaintiff, but claiming that plaintiff was a copartner with him; also declaring that plaintiff did not pay the amount of \$2500 as stated in the deed, and further that plaintiff knew that the mortgage to C. M. Cooke, Ltd., was standing on the whole property.

It is stipulated, for the new trial of the malicious prosecution suit of J. C. Axtell vs. H. E. Hendrick, that a commission may be issued to Arthur G. Patterson of Walton, Delaware county, N. Y., to take the deposition of Marcus Hendrick.

Bomburg-Bremen Fire Insurance Co.

The undersigned having been appointed agents of the above company are prepared to insure risks against fire on Stone and Brick Buildings and on Merchandise stored therein on the most favorable terms. For particulars apply at the office of
F. A. SCHAEFER & CO., Agents.

German Lloyd Marine Insurance Co.

F. BERLIN.
Fortuna General Insurance Co.
OF BERLIN.

The above Insurance Companies have established a general agency here, and the undersigned, general agents, are authorized to take risks against the dangers of the sea at the most reasonable rates and on the most favorable terms.

F. A. SCHAEFER & CO.,
General Agents.

General Insurance Co. for Sea, River and Land Transport. of Dresden.

Having established an agency at Honolulu and the Hawaiian Islands, the undersigned general agents are authorized to take risks against the dangers of the sea at the most reasonable rates and on the most favorable terms.

F. A. SCHAEFER & CO.,
Agents for the Hawaiian Islands.

THE CLIFTON

T. K. JAMES, Proprietor.

Private apartments, en suite and single. Finest appointed and furnished house in Hawaii. Mosquito proof throughout. Hotel street, near Alakea.

YOUR SUGAR CROP

Depends on the right quantity and quality of Ammonia. It has to feed upon Nitrogen (Ammonia) being the principal material removed from the soil by sugar cane.

A few dollars' worth of

Nitrate of Soda

(The Standard Ammonia.)

fed to each acre of growing cane will give surprising results.

Planters should read our Bulletin giving results of Agricultural Experiment Station trials. They are sent free. Send name on Post Card.

WILLIAM S. MYERS, Director.
12-16 John St., New York,
U. S. A.

Kodaks**Films and Paper**

Just Received Ex
"Siberia"

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HOLLISTER DRUG CO.,
FORT STREET.

CHAS. BREWER CO.'S NEW YORK LINE

Ship Tillie E. Starbuck sailing from New York to Honolulu March 1st. FREIGHT TAKEN AT LOWEST RATES.

For freight rates apply to
CHAS. BREWER & CO.,
37 Kilby St., Boston,
or C. BREWER & CO.,
LIMITED, HONOLULU.

Plumbing Inspection.

E. G. Keen, inspector of buildings, plumbing and house sewers, has reported the following as the work of his office for the first half of November: Number of plumbing plans filed and permits issued for same, 37; final certificates issued, 20; sewer connections made, 4; nuisances investigated and abated, 3; inspections of plumbing and sewers made, 76; building sites inspected, 12; inspections of buildings in course of construction made, 25. Total number of inspections made, 113. Six building permits were received and all allowed.

FACTS WHICH SMALL FARMERS ARE ASKING FOR

(Continued from Page 6.)

is the best breakfast fruit. It stands on about the same basis in the islands as the grape fruit on the Mainland. There are a good many hundred acres devoted to its cultivation.

CASTOR BEANS.

There is one castor-oil mill on the Island of Oahu for the manufacture of castor oil from beans locally grown. The returns from this industry have been very good and the area planted to this crop is being rapidly extended. The advantage in the cultivation of this crop in the tropics is that the beans bear at about eight months from the time the seed is planted, and continue to bear perennially for from about five to seven years, the ripening being continuous, with crops at monthly intervals during that time. The seed is planted on well cultivated land in rows eighteen to twenty-four feet apart, from eight to twelve feet apart in the row. As soon as the beans are two or three feet high the terminal bud is nipped and as lateral branches are produced these are again nipped. Plants in this way are forced into a broad shape and spread out so as to almost completely fill the rows. Castor beans sell in the Honolulu market at from \$50 to \$65 per ton. The yield averages about a half ton per acre per annum and the plants come into full bearing at the end of three or four years.

DAIRIES.

There are about fifty dairies on the Island of Oahu, and many dairies on all of the other larger islands. While there are many individual herds, headed by registered bulls, and also many fine cows of the best dairy breeds, the average quality of the cattle is rather low. Sorghum is the principal forage crop. This ration and may be cut every three months or more frequently for sometimes six or seven years. All that it requires is fertilization and cultivation. "It is without exception the best forage plant that we have in the Islands. Most of the dairy cows are fed sorghum with grain rations or milled feeds such as bran, middlings, shorts, all of which are imported from the Mainland, or with the algaroba bean, a local product similar to the mesquite bean of Texas and the Southwest. Milk sells at retail from 7 1/2 to 15 cents per quart and butter for from 30 to 60 cents per pound. There are enough local dairies to supply milk and cream for all the population now in the islands, but the monthly import of butter is still quite large. It is considered difficult to make good butter at the lower elevations. Most of the large ranches and dairies are located on the mountain slopes at elevations of 3000 to 7000 feet.

POULTRY.

There is a local market for eggs and live poultry, especially the production of chickens and turkeys. The duck industry is entirely in the hands of the Chinese. Eggs sell for from 30 to 60 cents per dozen, and live chickens from \$12.00 to \$15.00 per dozen. There are a great many tropical diseases of poultry. The losses from "sore head" are very high among chickens, especially during the summer months. All of the islands, with the exception of Kauai, are overrun with the mongoose, which has an especial liking for eggs and young chickens. There are a great many openings for poultry raisers who understand the business, either in the vicinity of Honolulu or on the other Islands.

DISADVANTAGES AND DRAWBACKS.

The farmers of Hawaii, in common with the farmers of other countries, must meet and, to be successful, overcome certain difficulties. The great advantage of climate and geographical position offset, however, many of these difficulties. Perhaps the most serious problem is the question of controlling the many injurious insects. This, however, is true wherever agricultural products are raised. The injurious insects are almost entirely introduced forms and their greatest injury is to field crops since the fruit industry is not as yet developed to any extent. The principal insects injurious to fruits are the many scale-insects, mealy-bugs and related species. The sugar planters have to contend with a borer (the larva of a beetle), a leaf-hopper, and several others more or less serious. Plant-lice, cutworms, a melon-fly, and other insects attack garden and field crops. Ornamental trees, shrubs and vines are attacked by a so-called Japanese "rose" beetle, and Fuller's rose beetle. The general use of direct, active measures of control will keep these pests in check as is done by such methods in other parts of the United States. It is certain that precautionary measures, the use of insecticides, and cultivation based on the habits and life-history of the insects, together with the use of fertilizers, will control these injurious pests.

High winds during the winter, which is also the rainy season of the year, constitute a serious drawback to the cultivation of many vegetables and annual crops but are not considered serious in relation to the cultivation of perennials. Inter-island freight rates are high and methods of communication by land not of the best. Whatever drawbacks there may be, those who now live in the Islands have faith that they are such as can be overcome.

There is as yet no agricultural college in the Islands. The United States Department of Agriculture has established an experiment station similar to the stations existing in each of the Mainland States and Territories. This station is located in the vicinity of Honolulu. There are two agricultural societies in operation, one at Hilo and one at Wahiawa. These bodies both have quite a large membership. There are quarterly institutes or public meetings held at which papers are read, so that there is opportunity for discussion of the local problems confronting the farmer in Hawaii. The Hawaiian Planters' Association maintains, at its own expense, an experiment station which is devoted to the interests of sugar cane.

JARED G. SMITH,

Special Agent in Charge of Hawaii Experiment Station.
Honolulu, H. T., Nov. 1, 1903.

KUMALAE ON THE GRILL BEFORE FEDERAL GRAND JURY

The federal grand jury yesterday started on its legislative investigations. Nearly a dozen legislators passed within the secret portals of the United States Court room, where the jury is assembled and some of them at least did not enjoy themselves. Jonah Kumalae is said to have been the star actor at yesterday's performance. At least he was the man who remained within the jury room for the longest period and he looked red and excited when he reappeared. Kumalae is reported to have been put on the grill by the United States Attorney and he did not appear to have enjoyed it, if his appearance counted for anything. Enoch Johnson, the lawyer who enjoyed many of the perquisites of the legislature, was also a witness before the jury but he remained only a short time.

Representatives Chillingworth, Harris, and Andrade were also before the jury but they did not remain long. Several Maui members and a Kauai member are also reported to have given testimony.

The chief subject of the inquiry is reported to be the disappearance of the vouchers. It is a federal crime to destroy public documents and unless the vouchers are produced intact, some one will have to satisfactorily account for them or else suffer unpleasant consequences.

LOCOMOTIVE KILLED HIM

Sam Kia Met an Untimely Death Last Tuesday.

The incoming train yesterday morning from Ewa when about two miles west of the city near the slaughter-houses, discovered a tragedy of the preceding night. An aged Hawaiian named Sam Kia, was found almost dead alongside the track, close to the rail. His head showed that he had received a terrible blow, presumably made by an engine. The man was unconscious and in this condition was lifted into the baggage car and brought to the city. He was then taken to the Queen's Hospital, where he died.

A coroner's jury held an inquest at the police station last night which brought in a verdict of death by accident, resulting from injuries inflicted during the night of Monday by a locomotive. It is believed that Kia was returning to his home in Kalihi under the influence of liquor and lay down to sleep on the track. Several witnesses were examined.

Laepaa, the wife of Sam Kia, testified she saw her husband last Monday at their home in Kalihi, at which time he was sober. He went to Honolulu and probably started for home on Monday night by walking on the track. She stated that Kia was about ninety years old, but this was probably in excess of his real age.

Andrew Holmes, an Oahu Railway locomotive engineer, said he saw the body on the outside of a curve, two miles west of the city, on the town side of the slaughter house. The man was lying on his back close to the track his head between the ties. He was not aware of inflicting any injuries. The train was backed up and the conductor picked the body up and placed it in the baggage car. The train went about 120 feet beyond the body before stopping. From the position the body was lying, car steps or other projections might have struck him. Witness ran the first train up from Ewa yesterday morning. There is a crossing near where the body was found where all engineers are required to blow a whistle.

Dan Kamakauhoa was on the train when the body was picked up. He jumped from a car when the train stopped. The man's head was lying two inches from the lowest part of a car. A man, he said, lying beside the track who raised his head would have been struck. Dr. McDonald, who had examined the body, found the skull had been fractured and there were contusions.

BAD COMPANY

Not a Home in Honolulu Where This Visitor is Welcome.

The most unwelcome visitor in Honolulu.

Is any itching skin disease. Itching piles is known in nearly every household.

And eczema is no stranger. They're both bad company. They come early—stay late. We always say "good riddance" when they go.

Know how to keep them away? Use Doan's Ointment.

Doan's Ointment cures piles and allitchiness of the skin.

A Victoria, Australia man endorses our claims. Mr. William Preston has been a resident of Victoria for over half a century and therefore will be known to many of our readers. Mr. Preston is at present residing at No. 68 Argyle St., St. Kilda. He says: "For some considerable time I have been troubled with Eczema on my legs. The irritation at times was very great especially at night, and it caused me considerable annoyance. I obtained a pot of Doan's Ointment and I must say that it allayed the irritation almost immediately. Doan's Ointment is a good remedy and I can highly recommend it for Eczema."

Doan's Ointment is splendid in all diseases of the skin, eczema, piles, hives, insect bites, sores, chilblains, etc. It is perfectly safe and very effective. Doan's Ointment is sold by all chemists and storekeepers at 50 cents per box (six boxes \$2.50) or will be mailed on receipt of price by the Hollister Drug Co., Agents for the Hawaiian Islands.

Last Official Reception.

Captain di Vascello of the Italian cruiser Elba called on Governor Dole Tuesday morning. He was accompanied by Consul F. A. Schaefer. Secretary Carter was present, also, at his invitation. R. N. Boyd, whom the Italian naval commander remembered as a Hawaiian student of the royal naval academy of Italy. Alexander Young, who was visiting Governor Dole at the moment, was invited by him to remain. Private Secretary A. G. Hawes, Jr., as aide to the Governor, attended in his captain's uniform. The band was on the Capitol grounds, playing the Italian national hymn as the honored caller entered the building. This was Governor Dole's last official reception to a foreign visitor.

If the Senate ratifies the Hay-Varrilla treaty, the strip occupied by the canal will become American territory and the new republic of Panama will acquire four land frontiers. Of course that would mean annexation of all Panama in the near future. By acting promptly the Senate will make it impossible for Colombia to recover any lost ground from the rebels, they having parted with the larger share of their holdings to a great power.



Complete External and Internal Treatment for Every Humour. Consisting of CUTICURA SOAP, to cleanse the skin of crusts and scales and soften the thickened cuticle; CUTICURA OINTMENT, to instantly allay itching, inflammation, and irritation, and soothe and heal; and CUTICURA RESOLVENT, to cool and cleanse the blood. SINGULARLY effective in curing torturing, disfiguring humours, with loss of hair, when all else fails. Anal. Depot: R. TOWNS & CO., Sydney, N. S. W., Australia. LONDON LTD., Cape Town. "All about the Skin, Hands and Hair," free. POTTER, DICK, AND CHEN, CORP., Sole Props., Boston, U. S. A.

LOWER FARES NEEDED TO GET TOURISTS TO COME

Editor Advertiser: From time to time I have read reports concerning the doings of the Hawaiian Promotion Committee, relative to the best measures for inducing tourists to visit us; and as a citizen having large business interests here, I beg permission to offer a few practical suggestions, through your valuable paper, to the Committee and all who have the future development and interest of these Islands at heart.

During my recent visit to the Coast, which took me through the greater portion of the Northwest of the United States, I had occasion to travel over a great many railroad lines, and found that at least one-half of my fellow passengers on the crowded cars, were tourists who had taken advantage of the cheap rates existing to visit the Pacific Coast. And this class was made up of well-to-do farmers, manufacturers, and business men generally, from all over the Middle West, and many of them from the States farther east.

WHAT EXCURSIONISTS SAY.

I personally conversed with quite a number of these excursionists, on the roads, and at hotels where we stopped, and during the descriptive talks of the country and things in general, when it was discovered by my fellow travelers, that I was from Honolulu, they were all interested at once, to find out all about these far-away islands, on which occasions, of course, I did my best to talk up the beauties of the climate and attractions here; and then, would follow, generally, the fatal question, "What is the fare to the Islands from S. F.?" and when I would tell them that it was from \$135 to \$150 for the round trip, their interest would immediately "fall flat." Now these were not laboring men who were traveling on a few dollars which they had laboriously saved up, with barely enough to return home upon, but were, as I have said, well to do, many of them wealthy. Two gentlemen with whom I came in contact were bankers.

I learned that those traveling from New York and vicinity, were doing so on round trip rates of \$75; those from Chicago and cities near there, for \$60. These tickets carried them to S. F. and return by one of the northern roads, via Seattle and Portland.

I can personally testify to the fact, that most of these tourists stopped at the best hotels in the cities they visited and spent their money freely, in buying curios and doing the towns thoroughly.

I could say much more regarding the impressions I gathered from conversations that I listened to, and facts which came under my personal observation, but think I have said enough to sustain the argument I shall herein set forth.

CLASSES OF TOURISTS.

It has been said by a few whom I have spoken to in Honolulu regarding the tourist question, that "the class of tourists who would hesitate to pay the present rates to this place, are not those desired." Such assertions should never come from the practical business man.

In the first place facts will prove that seven-eighths of the tourist travel is made up of the middle class, before mentioned; many are successful business men who have made their wealth through conservative methods and shrewd dealing, who have set aside a thousand or two, to have a long planned round of pleasure, for themselves and families; and while they will spend their money freely, and have the best, when they reach their destinations, are the very men, on account of their business schooling, who, when they go into a railroad or steamship office, study to save every dollar possible in traveling expense.

The Promotion Committee of Honolulu might furnish beautiful oil paintings and illustrated catalogues, descriptive of these Islands to every home in the States, and employ "spellbinders" to talk up the beauties and attractions here, but such measures will avail nothing as long as the high

steamer fares continue.

CHEAP TOURISTS PAY.

As an object lesson of what cheap tourists rates will do, one has only to go to Los Angeles, Cal., and see a large city which has been almost wholly built up by well to do business men of the East, who were induced to go there through a cheap passenger tariff. These men have made Los Angeles the most beautiful city in the world, from an architectural standpoint. They were not men who went there to engage in business, but to build winter and summer homes, and to escape the cold of the East and live in hotels.

For years that city depended on local industries to keep its two numerous hotels and houses filled, until the railroad people were induced to put fares down, and keep them down, since which time it has been impossible to get building materials there fast enough to build hotels, etc., to accommodate its visitors.

CHEAP TRANSPORTATION PROSPECTS.

Assuming, then, that cheap transportation is necessary to induce tourists to visit these Islands, what are the prospects? It has recently come to our knowledge that the Colonies and the Orient are deeply interested in the coming St. Louis Exposition, to be held during 1904. The steamers from those countries, most of which make Honolulu a port of call, will all be taxed to their utmost capacity to accommodate the crowds who will seek to visit America next year. It is greatly to be desired that many of these should be induced to stop over and visit our beautiful Islands, but I can assure you they will refuse to do this when they learn of conditions existing here. The stop over will simply mean forfeiting the chance to resume their journey. All through steamers being crowded, there will be no vacant berths for any who may wish to embark at this port.

Heretofore local passengers to the coast have depended largely on through steamers, our one local steamer, the Alameda, not having accommodations for only a fraction of those who visit the coast every year.

Next year under existing conditions, it is safe to say that the most of our island travelers will be disappointed in the expectation of visiting St. Louis or the mainland.

LIMITED TRANSPORTATION FACILITIES.

In other words at the present time there is not in sight visible transportation facilities to accommodate our local travel to the coast during the greater portion of next year. When the above facts become known, it is very evident that through tourists from the Colonies and the Orient, as well as those who might come here from the mainland, will avoid visiting or stopping over at Honolulu.

There is only one remedy in sight for the condition that threatens us next season, that is more local steamers.

Our Board of Trade and Chamber of Commerce should make strenuous efforts to secure such facilities for 1904, otherwise great hardships will be worked upon our own people, as well as the loss of the tourist patronage which should be ours, but which, from present indications, will absolutely fail to materialize.

In view of the above facts it is also evident that it is useless to ask the steamship companies to cut their rates to induce tourists here.

There is a solution, and a practical one, for our bottled up condition. The situation is entirely in the hands of our local capitalists and business men. Through them only can relief come, if they will act.

PUT ON A STEAMER OF OUR OWN.

Instead of asking business men and others, to contribute to a fund to advertise these Islands by magic lantern slides, etc., let business firms and all who have the promotion and development of these Islands at heart, form a joint stock company and raise enough

(Continued on page 8.)



THE OLD RELIABLE
ROYAL
BAKING POWDER
Absolutely Pure
THERE IS NO SUBSTITUTE

MARINES COMING ON THE SOLACE

ARRIVED.
Tuesday, Nov. 17.
C. A. S. S. Moana, Carey, from Colomes, at 1:30 p. m.
Stmr. Kaula, Bruhn, from Hawaii ports, at 5:15 a. m.

Wednesday, Nov. 18.
Am. bktn. S. N. Castle, Nilson, 17 days from San Francisco, at 7 a. m.
Am. bk. Gerard C. Tobey, Lancaster, 25 days from Kilauea, at 9:15 a. m.
Stmr. Mikahala, Gregory, from Kaula ports, at 4:40 a. m.
It. sp. Agostino Terrazano, from Makawell.
T. K. K. S. S. Hongkong Maru, Filmer, from Yokohama, at 5:45 p. m.

Thursday, November 19.
Am. bark Albert, Turner, 13 days from San Francisco at 1:30 p. m.
Gaso, schr. Eclipse, Gahan, from Hawaii and Maui ports at 5 a. m. with 20 bags coffee, 1000 bags sugar, 50 tons iron, 30 head cattle.
Stmr. J. A. Cummins, from island ports at 4:30 p. m.

DEPARTED.
Monday, Nov. 16.
Am. schr. Willis A. Holden, Lowell, for Port Townsend, at 4 p. m., from anchorage off port.

Tuesday, Nov. 17.
Stmr. Kinan, Freeman, for Hilo and way ports, at 12 noon.
Stmr. Maui, Bennett, for Maui ports, at 5 p. m.

Stmr. W. G. Hall, Thompson, for Kaula ports, at 5 p. m.
T. K. K. S. S. America Maru, Gohng, for the Orient, at 3:30 p. m.
Stmr. Iwawani, Mosher, for Kaunapali, Lahaina, Kihel, Makona, Kukuihale and Honolulu, at 5 p. m.
C. A. S. S. Moana, Carey, for Victoria and Vancouver, at 9 p. m.

Wednesday, Nov. 18.
O. S. S. Alameda, Dowdell, for San Francisco, at 9:15 a. m.
Am. sp. Louisiana, Dalerow, for San Francisco, at 11 a. m.
Stmr. Lohua, Naopala, for Molokai, Maui and Lanai ports, at 5 p. m.
Stmr. Kaula, Bruhn, for Hanalei, Ahukini and Anahola, at 5 p. m.
Schr. Kawahani, Moses, for Koolau ports, at 4 p. m.
S. S. Hongkong Maru, Filmer, for San Francisco at 10 a. m.
Stmr. Mikahala, Gregory, for Kaula ports at 5:10 p. m.

Stmr. Kaula, Bruhn, for Hanalei and Anahola at 4 p. m.
Gaso, schr. Eclipse, Gahan, for Lahaina, Kihel, Honolulu, Puukoa, Kaula and Kohala at 5 p. m.
Stmr. Nihau, for Kaula at 5 p. m.

PASSENGERS.

Departed.
Per stmr. Mikahala, for Kaula, Nov. 17.—Major Moon, M. A. Rego, E. C. Bruns, W. F. Love, A. F. Knudsen, H. Keegan, E. Tappan, Tannatt, M. P. Hernandez, W. Jellings, W. D. Adams, E. B. Anderson, H. H. Schultz, Father Eneanen, F. G. Douse, J. H. Fuller, C. A. Graham.

For Hilo and way ports, per stmr. Kinan, Nov. 17.—Miss M. Tuomas, Tan Wong, Tang Young, D. L. Van Dine, Dr. Cofer, M. O'Dowda, W. M. Graham, Wm. A. Hamay, H. Wise, T. Johnson, Rev. W. T. Westervelt, H. L. Herbert, R. A. Church, A. T. Miles, C. R. Hatfield, R. A. Jordan, W. C. Woodson, R. Anderson, S. R. Jordan, Dr. Katsunuma, P. M. Bechtel, Mrs. E. M. Brown and child, Mrs. Ames, Dr. R. G. Curtis and wife, J. L. Coke, Miss Lewis, Mrs. A. McLean, R. J. Taylor, Dr. Monsarrat, M. McStocker, Mrs. L. J. Moses, H. E. Pickett, Julian Monsarrat, Mrs. F. W. Carter and son.

For Maui ports, per stmr. Maui, Nov. 17.—A. Haneberg, Lum Seung, Dr. Miyota, T. Akuna and wife, Mrs. Halemano and daughter, Mrs. Geo. Wright and son, P. A. Alexander, Dr. Dinegar, wife, child and maid, Mrs. Takaki and child, Miss Rose Kanehue, Mrs. Macleod, Mrs. Fannie Olsen.

Per stmr. W. G. Hall, for Kaula, Nov. 17.—Mrs. A. Homer, nurse and two children; Mrs. Purvis, Geo. H. Fairchild, A. Homer, H. Schutte and wife, Wee Hing, F. J. Dillon, C. A. Rice and wife, Arthur Rice, John Malina, D. G. McKay, Dr. W. Hoffman.

Per S. S. Moana, for Vancouver and Victoria, Nov. 17.—B. W. Hamilton.

From Kaula ports, per stmr. Mikahala, Nov. 18.—Geo. H. Paris, J. Monahan, C. C. Eakin, W. Berlowitz, G. H. Pecht, Yee Sheong and 36 deck.
From San Francisco per bktn. S. N. Castle, Nov. 18.—Mr. Weisman.

From the Orient, per T. K. K. S. S. Hongkong Maru, Nov. 18.—For Honolulu—Mr. and Mrs. R. N. Patton and maid, Miss Mabel Sinclair, Mr. and Mrs. Thos. C. Jenkins, Dr. S. Kobayashi, Through—J. Becker, Dr. E. Bedloe, G. Brockmann, A. C. Bryer, J. Wilbur Cate, Lt. Domingo Cavagnari, F. E. Eltonhead, Sir David Evans, J. P. T. Evans, Montague Evans, Miss K. Evans, J. Fujihira, John Goodnow, Mrs. John Goodnow and maid, O. Kai, John Graeff Kennedy, Lt. H. G. Macfarland, J. B. McCloskey, Rear Admiral Carlo Mirabello and valet, Lt. Carlo Pfister, Dr. E. M. Shipp, A. H. Stewart, K. Tatsumi, Mrs. K. Tatsumi, Mrs. M. D. Thielkult, K. Umehara.

Booked.

Per S. S. Alameda, to sail for San Francisco, Wednesday, Nov. 18, at 9 a. m.—Mrs. D. P. Smith, A. J. Wilson and wife, J. Michaels, J. J. Sullivan, Dr. M. E. Grossman, Col. Birkhimer and wife, the Misses Fisher (3), W. Parquet, J. S. C. Fraser and wife, Hon. W. G. Irwin, Mrs. E. R. Breed, E. A. Fraser, A. Young, J. R. Galt, H. Haneberg, F. T. Faircloth, Thornbury (2), Mat Lindsay, E. B. McClanahan and wife, S. A. D. Jones, Donald McGregor, Capt. Rault.

The company of marines which has been ordered to Honolulu by the Navy Department will probably come on the Solace. Admiral Terry has received no official confirmation of the report that the marines have been ordered here, and the news of their coming on the Solace is also unofficial.

The press dispatches reported that an official order had been made stationing the marines in Honolulu, and it therefore seems very strange that Admiral Terry who made the recommendation, which was favorably acted upon, received no word of the order.

The naval transport Solace is due here the latter part of this month or early in December, although no definite word has been received as to her sailing from San Francisco.

ELBA'S OFFICERS ENTERTAINED

F. A. Schaefer, Italian Consul for Hawaii, entertained the officers of the Italian cruiser Elba yesterday. The men were taken for a drive to the Pali in the morning and after their return were entertained with luncheon at Mr. Schaefer's Nuuanu residence. Admiral Terry, Captain White and Captain Rodman and others also enjoyed the entertainment.

ITALIAN SHIP ESCAPES A FINE

Acting Collector Stackable yesterday afternoon decided that the Italian ship Agostina Terrazano is not liable to a fine for first failing to enter at Honolulu as required by her manifest. The ship was entered at the custom house in the afternoon and Collector Stackable then investigated the circumstances of her failure to put in at Honolulu as required by the shipping regulations. Technically the boat is liable to a \$500 fine, but the collector after hearing the evidence decided that she was in distress and therefore entitled to put in at the first port. The Agostina at the time she was first sighted by the Mikahala was without chronometers, both having stopped. The captain therefore put in at Makawell where his chronometers were adjusted to those on the Edward May. She did not discharge her cargo at Makawell but came to Honolulu as soon as possible. She will probably return to Koloa this morning.

Bark Albert Arrives.

The bark Albert arrived yesterday from San Francisco after a very fast voyage of thirteen days. The captain reports a very pleasant trip. He brought down four passengers and twelve hundred tons of general merchandise.

Alpena Cleared.

The schooner Alpena cleared at the custom house yesterday for Port Townsend. Captain Birkholm expects to sail this afternoon or tomorrow morning. The Alpena will finish discharging coal this morning.

Shipping Notes.

The steamer Mikahala sailed for Kaula ports on her usual trip last evening. She took many passengers.

Work is progressing rapidly on the Oceanic dock covering. The dock will not be ready for use for several weeks.

The Kaula sailed yesterday afternoon at five o'clock for Anahola, Hanalei and Ahukini with the Japanese laborers who arrived on the Hongkong Maru Wednesday evening.

The Maru Sails.

The Hongkong Maru got away on time yesterday morning for San Francisco. Governor Carter and W. O. Smith and other well known men of Honolulu were at the wharf to see the many prominent men on the steamer who are on their way to Washington.

Concert on the Elba.

The government band will give a concert on the Italian cruiser Elba this afternoon from three to five o'clock. Today is the anniversary of the Queen of Italy's birthday and Acting Governor Carter sent the band as a compliment to the officer.

Nevadan Coming.

The Nevada reached San Francisco from Kahului last Tuesday. She is scheduled to sail from the coast direct for Honolulu tomorrow.

NO FRAUD IS FOUND

Grand Jury Report Upon the Oahu Election.

A unanimous report of the grand jury of the First Circuit Court was presented before Judge Gear yesterday morning, finding that there was no foundation for the charges of fraud preferred in a secret document filed by C. W. Ashford, attorney and defeated candidate for supervisor.

This report is called a majority report for purposes of identification, because three of the members signing it presented a minority report entirely repudiating the findings that they had joined their colleagues in making. Double-minded men like these may not be rare, but they are an element not usually desired in jury panels.

Judge Gear ordered the reports placed on file and granted a request to excuse the grand jury until Monday, November 30. When Deputy Attorney General Peters suggested to the court that there were no important matters for the grand jury to consider in the meantime, Judge Gear took issue with him in an undertone of something, probably, that required to be investigated.

The reports of the grand jury are here printed:

MAJORITY REPORT.

In the Circuit Court of the First Judicial Circuit, Territory of Hawaii, September, 1903, term. Hon. Geo. D. Gear, presiding.

In the matter of the grand jury, in and for the above entitled court and term.

Third Preliminary Report.

To the Honorable George D. Gear, Second Judge of the First Circuit, Territory of Hawaii, presiding:

Your above named grand jury having heretofore, to wit, on the 13th day of November, 1903, been duly charged by your Honor to investigate election frauds alleged to have been committed within the island of Oahu and the jurisdiction of this honorable court, and concerning the special election of officers for the county of Oahu, on the 3rd day of November last; and having been given in hand a communication of C. W. Ashford, Esq., to your Honor, containing particular charges of election frauds and misdemeanors, retired and, in accordance with said charge, proceeded with the consideration thereof.

The grand jury first considered particularly the charges as contained in the communication of Mr. Ashford, and summoned before it the witnesses whose names were contained therein, as well as others who were suggested during the course of their examination. From the evidence adduced by means of witnesses we are enabled to report:

1. Impersonation of voters.

Two charges of alleged impersonation of voters, and resulting illegal voting, were found to be unfounded in fact, and the evidence of the witnesses testifying in relation thereto were hearsay. Further, in two cases it was found that illegal voting had been indulged in, but the identity of the offenders was conflicting and seems to have been done only after careful examination by the inspectors present at the time of the commission of the alleged offense, and mala fides on the part of said inspectors does not appear.

Evidence before this grand jury discloses the fact that at several polling places attempts were made by persons to this grand jury unknown to vote in the name of other persons living but absent from the Territory, and in all instances the person so attempting to vote was immediately ejected from the booth by the inspector.

2. Alleged rejection of ballots by making thereon marks of identification with inked fingers.

Your grand jury particularly investigated the charge of improper identification marks thereon with inked fingers by the inspector of election counting the ballots. And we are enabled to report that the ink marks and marks of identification by means of ink appeared to be the result of carelessness of voters at the time of marking the ballots. In many instances ink marks were the result of soiled shelves in voting compartments. While many ballots were properly rejected through reproduction of the ink marks made by the voter in the folding of the ballot. And in view of the above facts this grand jury strongly suggests that ink stamps be eliminated from future elections. Your grand jury made an examination of ballots rejected for the reason of ink marks and identification marks contained thereon in the 7th precinct of the 5th district, and we find that the proportion of Home Rule and Republican ballots rejected bears the same ratio as the proportion of Home Rule and Republican votes cast, and that therefore such rejection of ballots would have had no effect generally upon the result of election in that precinct.

3. Discharge of employees for political reasons.

We find this charge absolutely unfounded, and in the case of Government employees that their discharge was due to the fact of the financial condition of the Territory.

Your grand jury further desires to report that irregularities in and concerning the election laws occurred at the polling place of the 7th precinct of the 5th district. And that such irregularities are due to the action of the chairman of the board of inspectors, H. C. Birbe. While the grand jury does not believe, and it did not so find, that Mr. Birbe acted wilfully and with intent fraudulently to violate the election laws, still the proper conduct of elections in the future

would be better subserved should Mr. Birbe and men of his character be omitted from boards of inspectors.

Respectfully submitted: Samuel Parker, foreman, grand jury; George J. Campbell, T. R. Mossman, A. R. Bindt, Chas. Wilcox, F. J. Church, W. Legros, H. A. Giles, W. L. Eaton, Wm. L. Peterson, Ulysses H. Jones, J. K. Inch, C. F. Herrick, R. K. Pahau.

MINORITY REPORT.

Honolulu, November 19, 1903.
To the Hon. George D. Gear, Presiding Judge for the term of the Circuit Court for the First Circuit.

May it please your Honor:
The undersigned members of the grand jury of this honorable court and term beg leave to report, in connection with the investigation into the charges submitted to us of the frauds and offenses committed at the recent county election for the county of Oahu, as follows:

That many witnesses had been examined by the grand jury, who have also inspected many of the ballots cast in said election. That at no time during said investigation have there been more than fourteen members of the grand jury present, acting or voting. That it has appeared to the undersigned, by a great mass of evidence, much of which was uncontradicted, that serious violations of the election laws were committed at said election, and that indictments were justified by said evidence, but the meager number of grand jurors on the panel permitted and permits the defeat of any effort to indict, unless the grand jury shall be practically unanimous.

We feel that the failure to return indictments in this behalf amounts to a failure of justice; we believe that should the same matters be submitted to a full panel of grand jurors, and the same facts be laid before such full panel, as were laid before us, indictments would result.

We therefore venture to suggest to this honorable court, in the interest of justice, and of the purity and independence of the ballot in this Territory, that the matters concerning the recent county election for the county of Oahu which were submitted by your Honor to this grand jury, be resubmitted to another grand jury to consist of a materially greater number of grand jurors than took part in the labors of this grand jury.

Respectfully submitted: Ulysses H. Jones, R. K. Pahau, J. K. Inch.

LOWER FARES NEEDED FOR TOURISTS TO COME

(Continued from page 7)

capital to charter a steamer of 5000 or 6000 tons capacity, or buy one already built, if a suitable vessel can be obtained, if not BUILD ONE, fit it with the best passenger accommodations, name it "THE CITY OF HONOLULU," and paint it white. Advertise to carry passengers from S. F. and return, for seventy-five or something less than one hundred dollars, and make terms with some trans-continental line, whereby round trip tickets can be sold from Chicago here and return for from \$125 to \$150 good for six months. Engage some first class advertising agency in cities and particularly San Francisco to carry on the public streets, transparencies and other signs, having on them the price of a round trip ticket to Honolulu.

THE THING DONE ELSEWHERE.

On my trip to the coast, day and night, I have seen such signs carried up and down the streets of the cities I visited, advertising round trip tickets to Los Angeles, or Portland, or Seattle, and as a result, the trains and boats to these places were crowded.

Every hotel and resort are overflowing at the present time with tourists in and around the cities of the coast.

Such a proposition as the above one is the only practical one to get these people and their money down here.

As a paying investment to the stockholders, such an enterprise as I have suggested, would not only pay good dividends, but would bring the desired results.

HAS HAD NO TANGIBLE RESULTS.

The Hawaiian Promotion Committee, or any other styled committee can not bring about tangible results, through the methods they have been employing. The entertainments given in the States of course amused the people, and by the enthusiasm displayed, one would think that they would take the first boat for Honolulu, and no doubt many did start, but they got no farther than the transportation office, and went home, with only dim recollections of beautiful palms and rainbows and volcanoes, which they had been told about, all mixed up together, soon to be relegated to the shelves of oblivion. But the Hawaiian Promotion Committee went on their way to the next town feeling victorious, but their imagined victory was like the late Spanish gunners who would point their guns somewhere in the direction of the enemy and blaze a big noise, thinking they had totally annihilated the foe. All this talk at this end, too, about "propagandas" or pomegranates, and small farms, and fine speeches at social meetings, is a waste of energy unless you talk "steamboat," in a practical manner, like the neighbor of a widow when speaking to another neighbor about how sorry he felt because the poor woman had been burned out. "Yes," said the second neighbor, "I feel sorry about ten dollars worth," putting hand in pocket, "how much do you feel sorry?"

People of the States know practically nothing of us here, or how we are situated, and will not till they can come here and see and learn. Why, I received a letter by the last steamer, from one of the largest and oldest firms doing business on Market street, S. F., who thought that Honolulu was in Hilo!

W. MATLOCK CAMPBELL.

The Home Rulers, through T. M. Stewart, filed an election contest petition in the Supreme Court yesterday.

BY AUTHORITY

PUBLIC LANDS NOTICE.

Commissioner of Public Lands.

A land license for a period of 50 years, to collect, divert and sell the surface water and power produced therefrom, upon and from the public lands, situate on the Island of Hawaii and lying between the sea on the north; Waipio Valley on the East; Waipio Valley and the boundary line between the lands of Leupahoe 1 and 2, Nakooka, Apua, Waikapu and Honopue on one side and the lands of Puukapu and Kawaihae 1, on the other side, until such line reaches an elevation of 4,200 ft., thence a contour line of 4,200 ft. elevation to Honokane on the South, and the land of Honokane and the private land of Awini on the West, subject to existing vested rights of private parties in such waters, will be offered at Public Auction on Monday, November 30, 1903, at 12 o'clock noon, at the front entrance of the Judiciary Building.

Persons competing at this sale will bid upon the rate per cent. of the net revenues of the enterprise carried on under such license, to be paid annually to the Government of the Territory of Hawaii, from and after the third year of the term of such license.

A bond of \$10,000 will be required on surety satisfactory to the Government, conditioned on the due performance of the requirement that \$10,000 be expended on construction within 18 months. From the beginning of the term of the license \$500 shall be paid by the holder thereof to the Government, semi-annually in advance. Irrespective of such rate per cent; the first payment of \$500 to be made at the fall of the hammer, by paying the same to the Commissioner of Public Lands. Upset 5 per cent. on the net revenues. Any bid than on percentage of the net revenues will not be entertained.

Full information in regard to other conditions of such license will be furnished at the office of the Commissioner of Public Lands.

E. S. BOYD,
Commissioner of Public Lands.
Public Lands Office, October 22, 1903.
6618.

PUBLIC LANDS NOTICE.

On Saturday, December 12th, 1903, at 12 o'clock noon, at the front entrance of the Judiciary Building, will be sold at Public Auction, the Leases on the following lands:

1. The government lands of Pohaku-haku and Kenau in Hamakua, Hawaii, containing an area of 80 acres, more or less.

Term: 5 years.
Upset rental: \$2.50 per acre, per annum, payable semi-annually in advance.

2. The government land of Kohe, in Hamakua, Hawaii, containing an area of 185 acres, more or less.

Term: 5 years.
Upset rental: \$2.50 per acre, per annum, payable semi-annually in advance.

For plan and further particulars, apply at the Public Lands Office, Honolulu.

ED. S. BOYD,
Commissioner of Public Lands.
Public Lands Office, Nov. 12, 1903.
2538

PUBLIC LANDS NOTICE.

Notice is hereby given that Mr. W. G. Smith has been appointed Sub-Agent of Public Lands for the Sixth Land District, Island of Kaula, such appointment being dated 1st, 1903.

Land Office is located on the premises of Mr. A. S. Wilcox, known as "Kilohana," on main road from Lihue to Koloa, in the District of Lihue, Island of Kaula.

ED. S. BOYD,
Commissioner of Public Lands.
Public Lands Office, Honolulu, Nov. 10, 1903.
2538

FORECLOSURES.

ISAAC TESTA.

MORTGAGEE'S NOTICE OF INTENTION TO FORECLOSE AND OF SALE.

Notice is hereby given, that by virtue and in pursuance of a power of sale contained in that certain mortgage deed dated March 21st, 1901, and of record in Liber 221 on pages 137 to 139, and made by Isaac Testa in his own right and also as Trustee to The First American Savings & Trust Co. of Hawaii, Ltd., the said The First American Savings & Trust Co. of Hawaii, Ltd., intends to foreclose said mortgage for breach of the conditions in said mortgage contained, to-wit, the non-payment of the principal and interest thereon when due.

Notice is also given that all and singular the lands, tenements and hereditaments in said mortgage described and hereafter described or so much thereof as may be necessary to satisfy the amount due under said mortgage, and all costs, charges and expenses attending such sale and foreclosure, will be sold at public auction by James F. Morgan at his salesroom on Kaahumanu street, Honolulu aforesaid, on Saturday, the 28th day of November, 1903, at 12 o'clock noon of that day.

The property covered by said mortgage and to be sold, is:

First. All those certain lots or parcels of land situate at Kilauea, Island of Oahu, being lots Nos. 7 and 8 of the Rosa Estate, Lots at Kilauea, being a portion of Lots F and G of the Lunaliilo Division of Kilauea and the same as conveyed to Isaac Testa by deed of record in Liber 185, page 409. Area, 54,053 square feet.

Second. All those lots or parcels of land situate at Kapahulu, Waikiki,

Oahu aforesaid, and being lots Nos. 16 and 17 in Block 4 of Kapahulu lots, and conveyed to Isaac Testa by deed of record in Liber 188, page 408. Area, 10,000 square feet.

Third. All that parcel of land containing an area of 2 3/4-100 acres situate at Manoa, Oahu, being a portion of H. P. Grant 161 to W. H. Rice, Tr., and conveyed to Isaac Testa by deed of record in Liber 27, 1895, of record in Liber 155, p. 324.

Fourth. All that certain land situate at Kawaiaola, Honolulu, Oahu, aforesaid, containing an area of 78-100 of an acre, being a portion of Apana 1, of R. P. 2697, L. C. A. 1165, and conveyed to Isaac Testa, Trustee, by deed of record in Liber 141, page 9.

Terms: Cash in U. S. Gold Coin.

Deeds at the expense of purchaser. Dated Honolulu, October 19th, 1903.

THE FIRST AMERICAN SAVINGS AND TRUST COMPANY OF HAWAII, LTD.

By Its President,

Cecil Brown.

2532—Oct. 23, 30, Nov. 6, 13, 20.

NOTICE TO CREDITORS.

H. A. JAEGER.

The undersigned requests that all accounts and claims against him shall be handed in to Messrs. Kinney & McClanahan, Judd Building, Honolulu, on or before November 20th, 1903.

Honolulu, November 5th, 1903.
6636—Nov. 13, 17, 20.

SUING NOW FOR TAXES

Collector Pratt Is Now Cleaning His Books.

Sixty suits for delinquent taxes were commenced yesterday in Judge Dickey's court against as many taxpayers. Collector Pratt is determined to clear his books before leaving office in January and he will give the new assessor, Curtis P. Iauken, an almost clean set of books to start with.

The suits instituted yesterday in district court were mostly for back income taxes. About a year ago, when prominent merchants banded together to fight the income tax law, a lot of taxpayers refused to pay the tax, hoping to have the law declared unconstitutional. But both the late Judge Estee and the Circuit Court of Appeals upheld the act and now some of those who failed to settle will have to pay the original tax, with ten per cent penalty, nine per cent interest, and court costs, making the government's bill almost double the original amount. The suits yesterday were for amounts ranging from one dollar to eighty dollars without the accrued costs. Many of those sued are employed in various large corporations in the city, and the employing company is garnished in almost every case. The suits against government employees have all been brought and private individuals are next in line. The hearings are set for Tuesday.

WRIT OF ERROR IN PEABODY CASE

Lucy K. Peabody yesterday sued out a writ of error in the Supreme Court in the case of her suit against the trustees of the Bishop Estate. She alleges that the judgment rendered in favor of the Bishop Estate was erroneous and asks that the judge directing the verdict be reversed.

MRS. BINGHAM LAID TO REST

Mrs. Hiram Bingham was laid to rest yesterday afternoon in the Bingham plot in the rear of Kawaiaola church, where so many of the missionary fathers and mothers are buried.

The funeral service was held at the family residence on Alexander street at three o'clock, in the presence of a large gathering of friends. Rev. W. M. Kincaid had charge of the service. The floral offerings were beautiful and numerous, rich and poor alike paying loving tribute to the dead.

A quartette composed of Mrs. Damon, Mrs. Hare, W. W. Hall and Theo. Richards sang "Dawn." Mr. Kincaid said a feeling tribute to the deceased, saying that he had not known her in strength, but learned to know her well in sickness. He characterized her as a noble example of patience in long suffering, and said she was surely one of "God's saints."

After a short prayer the quartette sang "We Would See Jesus." At the grave the quartette sang "Asleep in Jesus." The pallbearers were: Rev. H. H. Parker, F. Parker, A. F. Cooke, Dr. J. M. Whitney, Rev. O. P. Emerson